

Israeli Settler Violence

in the

Occupied Territories:

1980-1984



An Investigative Report By

THE PALESTINE HUMAN RIGHTS CAMPAIGN

Israeli Settler Violence

in the

Occupied Territories:

1980-1984

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Palestine Human Rights Campaign 
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The Palestine Human Rights Campaign is a non-profit American organization comprised of academic, religious, peace, civil rights, and Arab and Jewish Americans. PHRC is a Non-Governmental Organization of the United Nations and was selected in 1984 as one of fifteen international N.G.O.s to implement recent UN resolutions on the question of Palestine. The goals of PHRC are to:

- Promote the investigation, publication and understanding of human rights violations against the Palestinian people;
- Lend support to Palestinian victims and the attorneys who defend them;
- Secure the enforcement of existing internationally recognized norms of human rights for the Palestinian people.

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Cover Photo: Israeli soldiers guarding Beit Hadassa in Hebron-Khalil. Settler reading in bunker. Local Palestinian resident in foreground.

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This book is dedicated to two Jewish scholars and human rights advocates, the late Professor Richard Arens of the University of Bridgeport Law School; and Professor Uriel Tal, the leading Torah authority in Israel, from Tel Aviv University. May their vision for human rights and justice toward all people, regardless of race, color and creed, live on in their writings and among those who follow in their footsteps.

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Preface

The Palestine Human Rights Campaign has been concerned about the cycle of violence surrounding Israeli settlements and settler activities since we were established as an American human rights organization in 1977. However, it was while I was leading a delegation of American Baptist clergy, seminarians, and faculty on a Holy Land Traveling Seminar in September, 1983, that the need for an exhaustive report on the situation struck home.

Everywhere we traveled in the Occupied Territories (and in Israel) the settlements and settler violence were present. In addition, we heard debate and concern for the Palestinian civilians who were suffering from settler activity, a debate that did not exist in the United States. Few Israelis, however, recognized the urgency of the situation and the rising power of Rabbis Levinger and Kahane, the Gush Emunim and various religious parties.

As an American human rights organization, we undertook to research and collect documents, legal material, and media accounts of settler violence. By the Fall of 1983, a special committee was formed under PHRC's Board of Directors to write the report. The committee consisted of Prof. M. Cherif Bassiouni of De Paul University Law School; Dr. Don Betz of Northeastern Oklahoma University; Henry Schwarzschild of the National Staff of the American Civil Liberties Union; Prof. Richard Arens of the University of Bridgeport Law School, and brother of then Defense Minister of Israel, Moshe Arens; and myself.

Two members of the committee visited the Occupied Territories in the Fall of 1984 and returned with the wise suggestion that we utilize the services and expertise of Dr. Jan Demarest Abu-Shakrah, of the Arab Studies Society in Jerusalem, to be the principle researcher and writer of the report. Among the obvious advantages were that Dr. Abu-Shakrah was living in the midst of the situation. She had been conducting a similar research project for several months, and a variety of Israeli and Palestinian organizations were eager to co-operate with us. I believe that the committee's decision to utilize Dr. Abu-Shakrah's skills are borne out in the unique report which follows.

The views expressed in this report are, of course, the responsibility of the sponsoring organization, the PALESTINE HUMAN RIGHTS CAMPAIGN. The report is an appeal to the international community to recognize the urgency of the rising cycle of violence on the West Bank, and the necessity to resolve the situation before a needless bloodbath occurs.

Some analysts believe the situation has gone too far already.

I am grateful to all those who gave time to share information or present their views in guiding this project to its completion. Henry Schwarzschild and Cherif Bassiouni gave expert advice on legal and practical data. My partner in editing, Don Betz, gave untold hours in proof-reading, travel, and networking among Israeli and Palestinian organizations who contributed to the project. Karen Lende of the PHRC National Staff brought her critical eye to proof-reading.

Special tribute goes to Jan Abu-Shakrah and the staff at Arab Studies Society in Jerusalem. Her thoroughness in research, creativity in assisting with the design of the project, and her faithfulness in completing the report bears special recognition. Without a doubt, Jan's name and abilities now stand on their own. Samir Abu-Shakrah provided critical suggestions and endless hours of research and support.

Finally, the PALESTINE HUMAN RIGHTS CAMPAIGN wishes to dedicate this report to the life and memory of our brother and friend, the late Professor Richard Arens. Richard was an integral part of this project at its inception and his recommendations, as well as his unswerving pursuit of justice encouraged us to embark upon this report. May his example serve as a lasting reminder to us all of the need to be persistent and consistent in applying the same standards of human rights to all people, including the Palestinians. Also, we dedicate the Report to the late Professor Uriel Tal, of Tel Aviv University, whose application of the Torah to the frightening situation of settler violence stands as a prophetic warning to all "with ears to hear."

July, 1985

*Rev. Donald E. Wagner, Director
Palestine Human Rights Campaign*

Letters of Endorsement



אוניברסיטת חיפה
UNIVERSITY OF HAIFA
جامعة حيفا

This is a well-written, intelligent and eminently balanced study that documents the use of violence by Jewish settlers in the occupied territories for the years 1980-1984.

The study points to the collusion between settlers, the military, and government officials and offices in permitting ongoing violence against Palestinian Arabs. The study also shows the weakness, and, with some few but notable exceptions, the relative impotence of an Israeli public opposition to this collusion, and therefore writes large acquiescence in violence against the Palestinian Arab national community.

Henry Rosenfeld
Professor of Anthropology



May 13, 1985

Thank you for sharing this material with me. It was very interesting and useful for me. All the facts of the oppression and the atrocities (presented in this report) are probably true, but they are the natural consequences of the politics of occupation and domination

I do not consider myself a peace fighter. There is no prospect or possibility of peace, not even of a discussion of peace, as long as we hold on to the occupation of the conquered territories. The actual problem is to get out of the occupied territories and then, we shall see. It's useless speaking about peace under the existing circumstances. No peace is possible between conquerors and conquered, between oppressors and oppressed. And all endeavors should be directed to propagating and explaining the problem in its right form.

The only alternative is partition. All the details (about borders and so on) can be discussed once the *principle* of partition is accepted ... Statehood is the expression of a quite natural and legitimate desire for independence. It is a desire that comes to practically all people, at least in the western world ... including the thirteen British colonies in Northern America ... We (Israelis) won our independence in our war of independence 37 years ago ... The Green Line (armistice line) may have been an accident, but that was the endpoint. That's what we gained in our war of independence. The same certainly goes for the PLO. The Palestinian people must have, and will have independence. But they will not have it in the framework of the whole country which they consider entirely to be *Falistin*. Why not? Because the Jewish people exists. The same goes for the Jews. They have, and they will have, their independence, but not within the framework of the country which they consider entirely to be *Eretz Israel*, because the Palestinian people *do* exist ...

The decisive factor is not religion. The decisive factor is the government of Israel. What is important is not Lvinger and Druckman and these people ... they are simply reactionary, imperialist fascists. What is important is Mr. Peres and Mr. Shamir. The state of Israel is ruled by a coalition of Labor and Likud, and they have not the slightest interest in religion, (but) they are interested in having American support for maintaining rule over the occupied territories. That's what concerns them ... (All efforts) should be directed toward organizing a radical opposition to the politics of conquest and occupation ... It is a political problem, a brutal political problem.

Professor Yeshayaha Leibowitz
Professor Emeritus, Hebrew University.
Member of the Hebrew University faculty
since 1934; formerly professor of organic
chemistry, bio-chemistry, neurophysiology;
1956-1972, Chief Editor of the Hebrew
Encyclopedia; 1973 to present, lecturer
in Philosophy of Science, Hebrew University

Jerusalem

10 May 1985

The preceding study of settler violence considers terror as a broad concept, not only as direct physical action carried out by an individual or a group against another individual or group, but also as a comprehensive, strategic policy.

This policy reverses the principle of the “rule of law,” to become “rule by law,” according to which “laws” in the form of military orders become the “legal” means to practice “legitimized” terror. This policy is implemented both by the authorities and the settlers against the Palestinians, whose humanity and existence as a people they deny, seeking to rob them of their basic human rights, including their rights to ownership, free expression, and a life with dignity and respect.

The picture presented in this Report was collected from a variety of sources. It is familiar to Palestinians under Israeli occupation, but as separate pieces. Thus, no individual piece of information presented in the Report is news for us. But by pulling all the pieces together, the Report — even for myself as one quite familiar with the events she records — was very interesting and impressive.

Ziad Abu Zayyad,
Advocate
Executive Director
Arab Council for Public Affairs
East Jerusalem

Jerusalem

19-May 1985

The media in the West, for a variety of reasons, have lost the virtues of neutrality and objectivity. As a result, the conflict in Palestine receives biased and distorted coverage and presentation there.

Studies like this one become of utmost importance to non-specialized, intelligent persons who seek to know about the state of affairs in our area. Such persons will undoubtedly find out that this study is a fair and valuable source of information and analysis.

I also believe that the presentation contained in this publication will enhance the knowledge about the deteriorating conditions of the Palestinians living under the Israeli occupation, and will bring the brewing potential danger and damage this occupation may incur on the human and political levels to the attention of those who are concerned.

Ibrahim Dakkak
Chairman of the Arab Thought Forum
Jerusalem

***AL-FAJR* Newspaper**

May 14, 1985

The report on settler violence in the occupied territories is a well written survey of both major and minor vigilante actions by Zionist settlers against the Palestinian residents in the occupied West Bank, Gaza and the Golan Heights and of the ideology they live by which leads them to pursue such crimes.

Although the report concerns itself only with events in the last five years, the author successfully conveys how recent settler actions are merely an intensification of settler behaviour since the occupation began in 1967. In the last five years there has been a qualitative change in how settlers operate, reflecting the straight-forward support they receive from a major part of the Israeli society and most certainly from the Israeli government and Knesset.

Incidents of settler violence not only increased in number in the eighties, but also turned into arrogant disregard for human life and values.

Contrary to the first ten years of occupation when Israeli government policy continued to convey a "scared sheep" image to the world, afraid of all the Arab regime "wolves" around it, the Likud's settler colonial policy since 1977 served to remove some of this make-up. When Israel brought Egypt, the biggest and most powerful Arab country, down on its knees at Camp David, this image was jettisoned and settler colonial policy proceeded unrestrained by subtle "role-playing". If the 29-year-old policy of creating facts on the ground succeeded to this point, it could be maintained and encouraged in the occupied territories: in the long run, it bears fruit.

As the offsprings of the same ideology, Israeli colonial settlers in the occupied territories were the first to benefit from their government's open policy. Their main concern became to create facts on the ground, to make their presence felt. The violence practiced by their predecessors had been rewarded so they followed suit.

Settlers no longer care whether their crimes are reported or not, whether they are currently condemned or not for they believe in the long run they are going to be rewarded. Actually the terrorist underground are being applauded in the top echelons of their society. While on trial they are pampered by their jailers and judges. They are confident that their unforgettable crimes will be condoned in due time. They have already become the heroes of the right for their 'loyalty' to the state's ideals. Again the world is asleep.

We believe that it is virtually impossible for the victim to convey, precisely and scientifically, the deeds committed by colonial settlers in the post-1967 occupied areas of Palestine, but efforts must continue — so that no one in the world can later say, we didn't know. The report, which lists only a portion of reported acts of settler vigilantes, is the most cogent survey thus far, but must be seen as a small part of the phenomenon of Israeli lawlessness in the occupied territories.

Saman Khoury
Managing editor
Al Fajr-
Jerusalem Palestinian Weekly

Introduction

The revelation of the existence of a settler terrorist organization in April 1984 stunned many Israelis and supporters of Israel throughout the world. The actions attributed to the settlers, and to a few lesser groups apprehended at about the same time, accounted for part of the murders, assaults, bombings, rampages, arsons, and other incidents of violence and harassment against the Palestinians in the occupied territories over the last few years. Nevertheless, most violent actions by Israeli settlers against Palestinians remain either uninvestigated or unpunished, and recent events indicate that settler violence in the occupied territories continues unabated.

Palestinians under occupation were not so surprised by official confirmation of the existence of a terrorist organization from within the ranks of the settlement movement's leadership, nor by the identification of some other individuals and groups accused of violence against Palestinian persons and property. They have lived under the threats and deeds of the settlers throughout the occupation which began in 1967. They had witnessed the collusion of the military and security forces with the settlers. They had seen their land taken and settled through a combination of settler vigilante actions and legal maneuvers. They knew that the settlers acted as a "state within a state," that under occupation there was no rule of law, but only a ruler who determined the law — and that ruler was the settlement movement.

Following the initial shockwaves rippling through Israeli society at the dramatic arrests and revelations of the Spring of 1984, a disturbing pattern emerged of a veritable groundswell of public and official justification or sympathy for the terrorists and their actions. For those acquainted with dynamics within Israeli society, beginning with the 1967 occupation and ironically intensifying with the "peace process" between Egypt and Israel, this response hardly came as a surprise. A small but persistent voice of reason and concern had been documenting a process of which the terrorist organization was but one extreme manifestation. These Israeli critics viewed with alarm the gradual development of a mutual reinforcing system, between chauvinist and even racist tendencies within Israeli society and the brutalizing violence of Israeli military forces and settler civilians over a Palestinian population deprived of basic individual and collective rights. They warned of disastrous consequences if steps were not taken to reverse the unsettling trends within Israeli society and to end the occupation corrupting Israelis and oppressing Palestinians.

What public response to the settler terrorist organization put in sharp relief, however, was that these critics, always marginal and generally dismissed or ignored, were becoming increasingly alienated from the body politic. Rather than being proved right by the developments against which they had warned, they became increasingly viewed as, at best, “naïve” about how to deal with “the Arabs,” and at worst, “traitors” to the cause of conquering and settling the “Whole Land of Israel,” which had usurped “the ingathering of the exiles” as the *raison d’être* of contemporary Zionism.

This report on settler violence in the occupied territories attempts to put these ominous developments in perspective — to understand why and how they could happen, and to analyze the chances for averting catastrophe for both Palestinians and Israelis.

A few words should be said about the difficulties of conducting such research and the decision to concentrate on incidents of settler violence, without conducting a similar survey of Palestinian violence against Israelis, or of military violence against Palestinians in the occupied territories.

A major constraint immediately confronting any researcher is that no complete, accurate, and reliable sources of information in these areas are accessible to the public. The researchers who produced the first systematic Israeli document on the human rights situation in the occupied territories, for example, noted that the report’s authors did not enjoy any assistance from the authorities or from the government elements involved. The authors were not allowed to view documents or to examine the workings of the administration. In their opinion, “the state of Israel acts as if the territories were a closed military base,” imposing a “blackout ... on events in the territories under its control.”* Thus the researcher is forced to rely on press reports, complemented by auxiliary sources (lawyers, journalists, victims’ statements, official reports, etc.), to establish a data base for the analysis of the phenomenon under study, and to arrive at some estimate of the representatives of reported incidents in relation to actual incidents.

The decision to conduct such a laborious survey exclusively on incidents of settler violence was thus made partially on pragmatic grounds based on time and resource constraints. The consequent predominant concentration on settler violence sacrifices an admittedly desirable goal of presenting a complete and balanced picture of every event and factor relevant to the occupation and to Jewish settlement in the occupied territories. Two implications of this imbalance should be noted.

The first implication is that due attention is not given to Palestinian violence against the settlers, which the settlers claim is one of their primary motivations for “taking the law in their own hands” in self-defense. A detailed survey of the incidence, severity, and circumstances of Palestinian violence and its connection with settler violence could have provided a more adequate basis for supporting or refuting the settler claim than the indirect evidence provided in the report — which is corroborated by the Israeli authorities concerned — that the settler claim is without foundation. The observations of one Israeli reporter, who has covered the occupied territories for several years, suggests another factor not given due consideration in the present report: “Those who report on what is going on in the territories tell

of demonstrations and rock-throwing almost daily — and this is true; but the general picture which comes out of these reports is not correct ... The truth is that it is not dangerous to travel around the West Bank ... It is worth knowing that the overwhelming majority of stone-throwing incidents involve military vehicles and soldiers and police ... As a journalist seeking out the incidents in the territories, I have driven tens of thousands of kilometers (in the occupied territories) since 1967, and I have seen many incidents — always with security forces — and only once in all those years did a rock strike my car; it was definitely unpleasant, but also not that awful. It is true that in (one of) the rock-throwing incidents Esther Ohana was killed when she was riding in a military vehicle in Dahariya, south of Hebron, and Israeli citizens have been wounded; but the security forces deal firmly with these incidents — the proof of this being the dozens of Arabs killed in those demonstrations in recent years ... The level of security in the West Bank, as in past years, is considered by many to be definitely reasonable — when taking into consideration the background, of course: close to one and a half million Palestinian Arabs in the territories which were added to our rule in the Six Day war, and they don't want us.** Whatever one's evaluation of the legality, appropriateness or effectiveness of Palestinian violence, it is clear that it arises as resistance to the occupation, its policies and its consequences.

Even if one were to accept the argument that at least some settler violence is motivated as a response to Palestinian violence, such a claim does not justify the pattern of settler violence nor does it contribute substantially to an assessment of its roots, its consequences for both Israelis and Palestinians, and effective prevention of its occurrence. The settler claim of retaliation, revenge, or even self-defense, cannot be, and for the most part has not been, accepted in a court of law. But more importantly, it is the responsibility of the occupying power to protect the occupied population from such assaults — a responsibility which the Israeli occupying forces are, at best, clearly negligent in fulfilling.

This points to a second implication of the predominant focus on settler violence: the relative neglect of military violence against the Palestinians, which is far more devastating than the violence practiced by either the Palestinians or the Jewish settlers. Only one indication of this is a comparison of the number killed by the three parties. In the period between May 4, 1979 and July 26, 1983, for example, the Israeli military killed 29 Palestinians, the settlers killed 9 Palestinians, and the Palestinians killed 12 Israelis (military and civilian, in Israel and in the occupied territories).†

While the actions of the military government must be considered in any treatment of Palestinian or settler violence, I have limited my consideration in the report primarily to two crucial aspects constituting the context within which settler violence is practiced against Palestinians: the maintenance of a dual legal system which provides neither equal justice nor adequate protection for the occupied population; and the direct and indirect cooperation of the civil and military authorities with the often violent settler goals.

While both Palestinian and Israeli occupation practices are important components of the context within which the settlers act, settler violence is a phenomenon warranting attention and concern on its own terms. And in the absence of comprehensive and systematic documentation on the subject, this report fills a gap in the information necessary for a concerned public to

understand and respond to what is happening to Israelis and Palestinians today.

The report does not attempt to be “objective,” if that means an attempt to accord all facts equal weight or to portray the positions of the settlers, the military, and the Palestinians in a balanced, sympathetic light, without moral judgement or human concern. On the contrary, the report is a committed document, committed not to “the Palestinian national movement” as Justice Cohen claims, but rather to the creation of conditions under which the Israeli and Palestinian people can live with peace, justice, and basic human dignity. In my view, the occupation, Jewish settlements in the occupied territories, and certainly Jewish settler terror against a Palestinian population under occupation, represent the antithesis of such conditions, and thus should be opposed by those concerned for the future of both the Israeli and the Palestinian peoples.

It should be clear to any fair and open reader of this report that such a commitment has not compromised the tenets of scientific research. Within the limits imposed by available sources and research conditions, I have attempted to portray the phenomenon of settler violence — its roots, its extent and manifestations, and its human and social costs. And I have given particular emphasis to Israeli responses — those which contribute to and support settler violence, as well as those opposed to it. For while it is my judgment that settler violence derives from trends within Israeli society itself, it is my hope that countertrends working for a just peace will be encouraged and flourish.

June, 1985

Dr. Jan Demarest Abu-Shakrah

Researcher and Principle Writer,

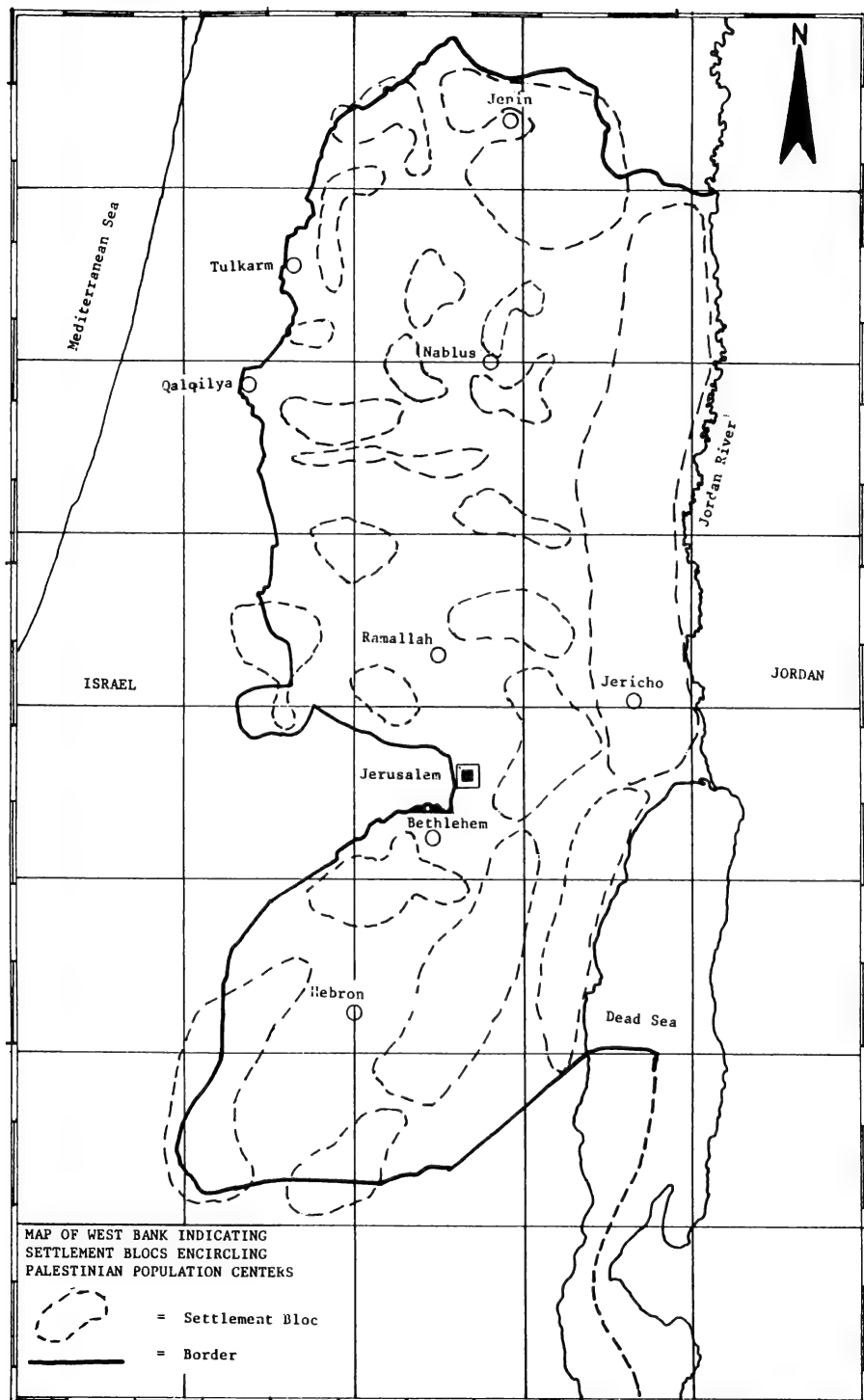
Staff of the Arab Studies Society — Jerusalem

* The report is Dedi Zucker, *Report on Human Rights in the Occupied Territories*, Published by the International Center for Peace in the Middle East. Quote is from Michal Meron, “Justice Divided,” *Yediot Aharonot* (Nov. 13, 1983), p. 21.

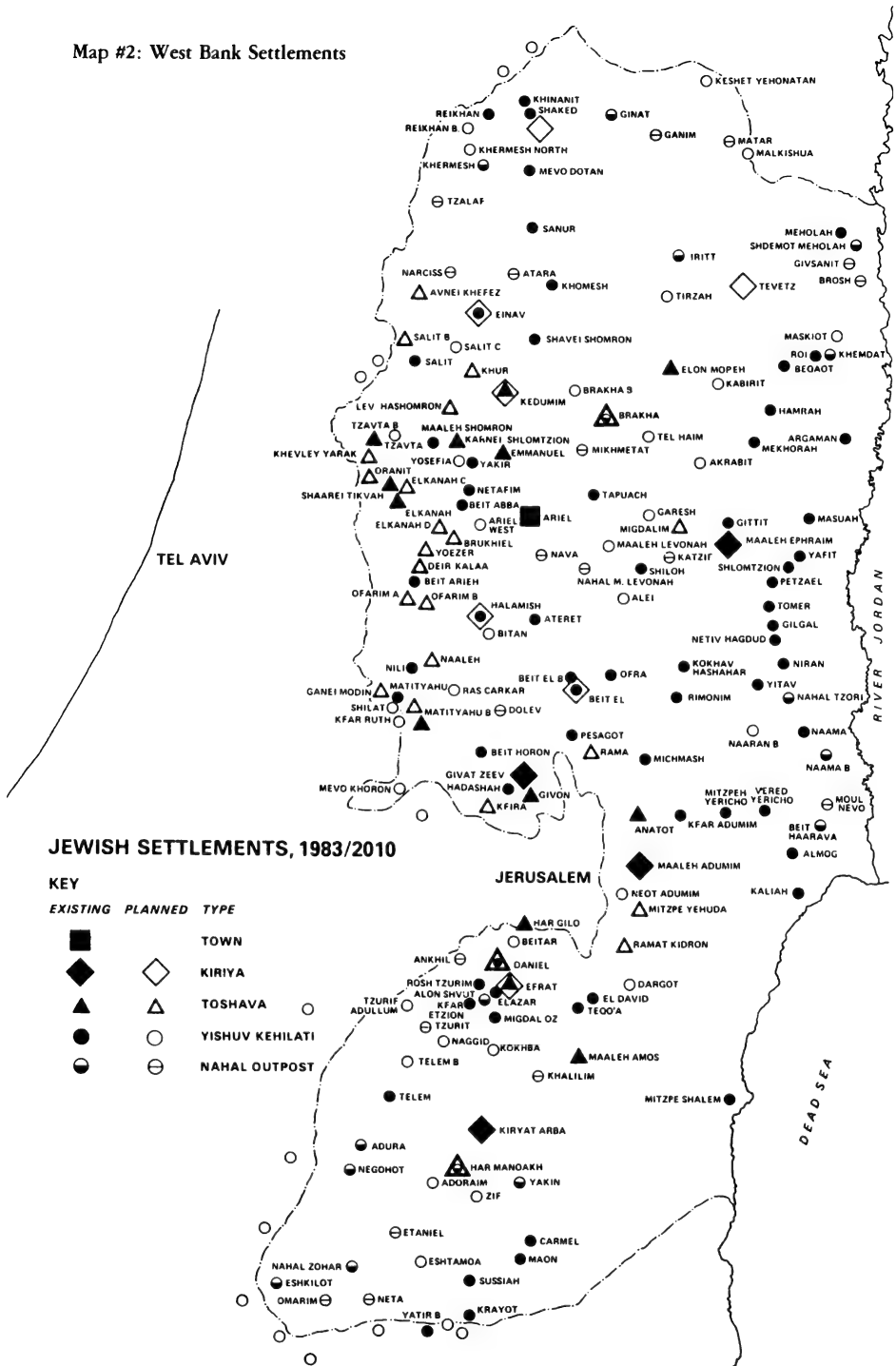
** Danny Rubenstein, *Davar*, (November 21, 1983).

† Source: Dedi Zucker, *Report on Human Rights in the Occupied Territories*.

Map #1: West Bank Settlement Blocs Encircling
Palestinian Population Centers



Map #2: West Bank Settlements



Reprinted with permission from
 "The West Bank Data Project," by
 Meron Benvenisti, The American Enterprise Institute of Washington, D.C.

Chapter One

The Decisive Process

The story of settler violence against Palestinians in the occupied territories begins, in the words of Professor Yeshayahu Leibowitz, on “the seventh day — the day after the Six Day War when we had to decide and when we could have decided whether the war was fought for defensive purposes or for conquest.”¹

In the early days of the occupation there was talk of using the conquered territories as a bargaining chip for peace with Israel’s Arab neighbors. This position, however, quickly lost ground to the argument that the *cause of peace* could be better served by the dubious strategy of placing paramilitary and later civilian settlements in selected areas as a way both to secure the land politically and to erect a buffer zone against a potential attack. This rationale served as unofficial policy throughout the Labor government tenure into the mid-1970s under variations of the Allon Plan.² Very early in the settlement process, this “security belt” argument gave way to the “Bible Belt” as the highly emotionally charged claim of Jewish “historic rights” to the territories gradually superceded concerns for either peace or security.

At first the drive to establish Jewish presence, particularly in the West Bank area considered the heartland of biblical Judaism, played a subsidiary role in official policy implementation, with the notable exception of Jerusalem. In the heart of Jerusalem, the Old Walled City, the demolition of Arab buildings and the expropriation of substantial tracts of Islamic and family *waqf* (charitable trust) properties to rebuild an expanded Jewish Quarter began as early as the summer of 1967. At the same time, a “reunited” greater Jerusalem was secured by an ever-expanding ring of fortress-like residential Jewish settlements around the Arab areas of the city. Despite official declarations of restraint, “the very existence of the territorial opportunity to implement ‘historic rights’ quickly produced a steadily strengthening surge of religious nationalism in Israeli politics, which eventually manifested itself in both official and unofficial ‘facts on the ground’.”³

The “historic rights” rationale found its first formal expression in the August 1967 “Manifesto of the Land of Israel Movement,” which galvanized vocal expansionists of varied political backgrounds, mainly from Gahal⁴ and some factions of the Labor Alignment, and included a wide range of well-known personalities, authors, professors, and other influential public figures.⁵ The movement quickly developed into an influential interest group. Within a few months, the first settlements outside Jerusalem — in the Golan Heights, the Jordan Valley and the Sinai — were established,

with the formulation of the Allon Plan providing a “security blanket” for the whole enterprise.

The Land of Israel Manifesto, however, clearly revealed that — governmental policy rationales notwithstanding — security in fact had nothing to do with the designs of the “pioneers” who would populate these settlements. According to the Manifesto, the Six Day War had “placed the people and the state within a new and fateful period. The whole of the Land of Israel is now in the hands of the Jewish people and just as we are not allowed to give up the State of Israel, so we are ordered to keep what we received there from the Land of Israel. We are bound to be loyal to the entirety of our country — for the sake of the people’s past as well as its future, and no government in Israel is entitled to give up this entirety, which represents the inherent and inalienable right of our people from the beginning of its history.”⁶ This rationale, with its hierarchic distinctions between the government, the State of Israel and the Land of Israel — with biblically authorized priority to the Land above all else — would figure prominently in the settlers’ justification for the wave of terror they would perpetrate against Palestinians in the 1980s.

While the evolution of Israeli government policy in the occupied territories is not the direct concern of this report, it is essential to grasp how governmental policy established *an alliance* with the religious-nationalist ideology of the Whole Land of Israel and how this dangerous complicity provided the breeding ground for settler violence against the Palestinians, their homes and their land.

Despite the fact that the Land of Israel Manifesto directly challenged the sovereignty of the state’s elected government over matters of policy, the implications of this declaration were never fundamentally questioned under the Labor government which ruled Israel during the first decade of the occupation. On the contrary, in addition to greater Jerusalem, the Labor government also acquiesced in 1967 and 1968 to pressures to rebuild the Etzion bloc of settlements, southwest of Bethlehem, which had been abandoned in the 1948 war. And in 1970 it authorized construction of Qiryat Arba, overlooking Hebron (Khalil), whose story is detailed later in this report. Moreover, under its own security rationale, the Labor government considered most of the Jordan Valley, the Latrun salient, much of the Golan Heights, and the Gaza Strip to be permanent possessions of Israel. Thus, even under the Labor government fully one-third of the West Bank and the Gaza Strip — the areas for any possible realization of Palestinian self-determination — were already considered non-negotiable as the “inalienable right” of the Jewish people.

By the end of the Labor government rule in May 1977, thirty-six settlements had been constructed in the West Bank, including four Gush Emunim settlements near Nablus and Ramallah, in addition to a dozen Jewish residential quarters in East Jerusalem, and other settlements in the Golan Heights, the Gaza Strip, and the Sinai peninsula.⁷

With Menachem Begin’s assumption of the Prime Ministership in 1977, the Israeli government would be led by a man whose Herut party unequivocally viewed the occupied lands as “liberated territory,” and the Whole Land of Israel, including most of Transjordan, as the inalienable right of the Jewish people. But by then, the unholy alliance of pragmatic security rationales and religio-nationalist pressures to exercise Jewish

historic rights had already colluded to form a government policy coinciding with the Whole Land of Israel ideology. Religious nationalists who set about “creating facts on the ground” through “unauthorized” actions in open defiance of the government’s sovereignty, played no small part in this development.

Checking Into the Park Hotel: Hebron (Khalil), 1968

The precedent-setting case of unauthorized settler fact creation occurred on April 10, 1968, when seventy-three religious fundamentalists led by Rabbi Moshe Levinger, checked into the Park Hotel in Hebron (Khalil), ostensibly to celebrate the Passover holidays. Later, they announced their intention to stay in order to re-establish Jewish presence in the city from which Jewish residents had fled following an attack in which sixty Jews were killed during the riots of 1929.

The national unity government led by Prime Minister Levi Eshkol was divided about what to do with the squatters, although a majority of ministers, including Allon whose plan their actions were violating, tended to sympathize with them. The cabinet postponed a decision by ordering the relocation of the settlers to a nearby military administration compound and setting up a commission to study the issue. While Jewish settlement in the midst of a large Arab population clearly violated the policy rationale of establishing security zones for the Judean Wilderness area, the pull of historic rights to settle in Hebron (Khalil), city of the Patriarchs, proved stronger. The government compromised by agreeing to establish a dual city on the model of Upper Nazareth inside the Green Line (the 1949 armistice line between Israel and Jordan). Official approval for the establishment of Upper Hebron, or Qiryat Arba, in September 1970, was a significant victory for the squatters who had increased their number to almost two hundred, while awaiting a favorable government decision.

For the government, the “uneasy compromise between security, demography, emotion and history”⁸ signaled a policy shift away from the restrained strategy of security placements toward an unrestrained incursion into populated areas, a policy dominated by a concern to placate an increasingly influential settler body. For the settlers it provided a successful test for the tactic of unauthorized squatting to force the government’s hand in acquiescing to settler demands. It is a model they have continued to pursue with success.

The October 1973 War

The October War represented a turning point for Whole Land of Israel advocates who were disturbed by the slowed pace of settlement and what they perceived as government vacillation and weakness in the face of external pressures to compromise in the post-war period. Their strategic response was to mount a campaign of unauthorized settlement bids beginning in late 1974, mostly in the West Bank highlands. Their unilateral actions — combined with reduced United States pressure on Israel and the government’s own desire to respond to such events as the 1974 Rabat decision (recognizing the PLO as the sole legitimate representatives of the Palestinian people) and Yasir Arafat’s historic “gun and olive branch” speech before the United Nations General Assembly — led to an unprecedented wave of settlement activity beginning in 1975.

The *Golan Settlement Committee* (GSC) was a private interest group formed before the 1973 War to articulate the views of the Golan settlers and to press governmental and party centers of power for continuous settlement expansion. The GSC attained its first visible results in the critical 1974-75 period, in the events surrounding the establishment of Qeshet settlement.

Led by settlers from Merom Golan and Ramot Magshanim, the GSC, under the direction of Yehuda Harel, formulated its targets for settlement expansion during the October War, meeting with key ministerial and military figures — including Finance Minister Pinchas Sapir and Northern Region Commander Raphael Eitan (who later became Chief of Staff and is currently a Member of Knesset with the Tehiya-Tzomet party) — to gain their support. Throughout 1973 and into 1974, GSC plans saw few results and it appeared as though their protests and pressures directly conflicted with government policy, particularly in relation to the disengagement talks underway with Syria. At the same time, the government found such domestic pressures a useful diplomatic card to stave off external pressures for compromise and withdrawal. As stated by Harris, “settler protest, whether orchestrated on the streets or inside party machines, proved a real embarrassment as well as a convenience.” In the GSC’s own estimation, their activism effectively prevented a deep withdrawal and dismantlement or restriction of existing settlements.

GSC activism extended well beyond the bounds of democratic pressure tactics, however. In April 1974, there were hints that Quneitra might be conceded to Syria, and so with what the settlers called the “requisite approval,” or quiet complicity, of local military officials, the activists began clearing buildings and implementing land preparation on the site. In early May 1974 the government had in fact agreed to give up Quneitra, an understanding incorporated into the May 9 draft Disengagement Agreement with Syria. Two days later, in an all-night meeting, the GSC decided to block the retreat and by dawn had moved squatters into the city’s hospital bunkers, with a generator provided by a sympathizer in the Jewish Agency’s Tzefat Safad office and piece work provided by Kibbutz Dafne for their economic support.

Badly needed recruits to maintain the settlement named Qeshet came from religious nationalists in the Jerusalem area, through the intercession of Hanan Porat (former Member of Knesset and currently an activist in the Morasha Party) a founder of the re-established Kfar Etzion and a guiding light of the Gush Emunim movement. The meeting of the GSC in the home of Rabbi Haim Druckman in Jerusalem, at which the necessary settler recruits were promised, is also considered a founding meeting of the Gush Emunim movement, including as it did, many of the Gush leadership, the consultation and blessing of Rabbi Tzvi Yehuda Kook (spiritual guide of the movement), and a concrete focus for the new organization to begin actualizing its dreams.

Settlers from Jerusalem began arriving at the site in ones and twos, their numbers swelling to thirty by late May. Even as the Disengagement Agreement was being signed on May 31, the squatters had illegally moved the barrels marking the agreed border to ensure that their bunker remained on the Israeli side. Later on, they were moved to another site, but still managed to determine their preferred site, with crucial cooperation from local officers and cabinet ministers, all in defiance of official orders.

On August 27, 1975, another unauthorized settlement, whose nucleus was also linked to Gush Emunim, was established in Yonatan. Once again, the government, deeply divided, but wishing to avoid public confrontation with the settlers, acquiesced to the *fait accompli*. Both Qeshet and Yonatan were subsequently legitimized in January 1976.

Gush Emunim (Bloc of the Faithful) is a settler pressure group founded in 1974 by young Land of Israel Movement supporters mainly from within the National Religious Party. Its primary aim is to re-establish a Jewish presence throughout the biblical heartland of the West Bank highlands. Like GSC, it crystallized in reaction to the post-1973 war disengagement negotiations, which it perceived as a threat to continued settlement. Impetus for the movement came primarily from the religious fundamentalists who had settled Qiryat Arba and the Gush Etzion bloc, under a leadership including Rabbi Moshe Levinger and Hanan Porat, a Member of the Knesset (MK). Their immediate goals were to pressure for settlements in the Arab populated areas around Nablus and Ramallah excluded from the official settlement policy of the Rabin government, and to block any territorial concessions by "creating facts on the ground" as rapidly as possible.

By its own characterization, the Gush is a "movement for the renewal and fulfillment of Zionism." Its founding document draws attention to what it viewed as a distressing "retreat from Zionist ideals," manifested in a reduction of new immigration, the "negligence" of the government in the exercise of Jewish rights in the heart of the Land of Israel, and its apparent readiness to withdraw from "liberated territories." It also viewed with alarm the "loss of faith," ignorance of Jewish heritage, cheap imitation of western culture, and the "easy life" attitude prevalent in Israeli society.

Its program to remedy these developments called for a renewal of the "pioneer spirit" in extending Jewish sovereignty over the Whole Land of Israel, "education to national awareness," (that is, that "the Land of Israel is ours and cannot be divided"), and a concerted fight against withdrawal, economic and political dependence on the west (particularly the United States), and any cooperation with international bodies (like the United Nations) which did not properly acknowledge Zionist rights. "Non-Jews" living in the Land of Israel could be granted some form of "civil and human rights," but citizenship would be granted only to those who accepted full responsibilities, including army service or the equivalent. And the Gush committed itself to a campaign of publicity and economic incentives to encourage the emigration of those unwilling to accept such responsibilities.¹⁰

At first, the Gush operated primarily within the political system, consolidating its position within the National Religious Party (particularly under the leadership of Zevulun Hammer, who served as Minister of Education and Culture in the Likud government from 1977 to 1984) and gaining considerable support from the ranks of the Likud and Whole Land of Israel advocates within the Labor Alignment.

After June 1974, however, the Gush began to take direct action through unauthorized settlement attempts in "Samaria" — the Arab populated highlands around Nablus and Ramallah. In most cases, the squatters were quickly removed by the army, but from 1975 onward, they achieved some major successes, resulting in the establishment of four permanent settlements. Their most significant success in these early days was the attempt to settle on the future site of Elon Moreh near Nablus. Despite their initial

removal by the army, they eventually managed, with the assistance of Defense Minister Shimon Peres and others, to move to the military camp at Qaddum. There, as a result of government vacillation and indecision, they secured a permanent settlement complete with electricity and water provided by Defense Minister Peres in December 1976. Today, the success of Qaddum is invoked as a model by activists intent on settling the Tel Rumeida area in the heart of Hebron (Khalil) — a strategy they assume will be as successful under a Peres-Rabin government as it was under the Rabin-Peres government ten years ago.

In similar fashion, again with Peres' direct assistance in circumventing both the Interministerial Settlement Committee and the Cabinet, the settlers established Ofra in the Ramallah area. In February 1977, another group of settlers arrived at a former Jordanian police station overlooking the Arab village of Mes'ha, with building materials in hand. They were evicted by Israeli troops on the same day, but three months later they returned to Mes'ha with authorization from the Interministerial Settlement Committee, and the settlement of Faris became a reality. By similar unilateral action, the Gush established the settlement of Dotan.¹¹ Maale Adumim was approved as a settlement site in 1974, but the plan was only implemented after an unauthorized Gush Emunim group camped on a neighboring hilltop in December 1975.

With the advent of the new Likud government in May 1977, the Gush at last had a government whose official settlement policy fully coincided with its own designs, strategically if not always tactically. In rapid succession, the Gush Emunim *faits accomplis* at Qaddum, Ofra and Maale Adumim were officially sanctioned in August 1977. Gush nuclei were permitted to settle at Givon and Beit Horon in December of the same year, and parliamentary confirmation was secured for sites already approved by the Interministerial Settlement Committee at Qarnei Shomron, Haris, Tapuach, and Dotan. Between October 1977 and February 1978, outposts arose at Nabi Saleh, Beit El, and Shilo. Following relentless political pressure, Gush activists received cabinet permission to settle Elon Moreh, intruding upon the West Bank's largest city, Nablus.¹²

By April 1979, there were fifteen Gush Emunim sites on the West Bank with about 2,000 people occupying at least 500 acres in densely populated Arab areas. In sum, Gush Emunim had established its desired presence in the biblical heartland. Despite the relative low population per settlement, the temporary accommodations, and economic dependency on work inside the Green Line, the Gush were achieving their goals to the limits of their demographic and political capacity. The only perceived threats were government pressure to proceed slowly for diplomatic reasons. Defense Minister Ezer Weizman came in for particular criticism for his demands to halt unbridled settlement activity during the sensitive Israeli-Egyptian negotiations. Gush Emunim, in fact, ironically viewed the Likud man as an outright enemy, in contrast to the Labor Alignment whose role as the supposed opposition in the Knesset was both inconsistent and impotent.¹³

Escalation Into the 1980s

Settler vigilante actions against Palestinians in the occupied areas erupted in earnest during the mid-1970s. One reported incident took place on May 17, 1976, when Qiryat Arba settlers beat up several youth in Hebron

(Khalil), forced an elderly Muslim judge to remove stones from the road, and took three hostages back to the settlement, setting dogs upon them before turning them over to the military government. By 1979, settler vigilante actions against the local population, particularly youth, had escalated to such a point that *The Jerusalem Post* editors expressed “grave concern (at) the very real danger posed by armed Gush Emunim vigilantes careening around (the) territories as self-proclaimed Guardians of the Land. The shooting of an Arab youth near Bir Zeit college (on May 2 and) the vandalizing of an Arab vineyard outside Qiryat Arba (in March) ... are cases in point.”¹⁴

Bombs were attached to the cars of Nablus Mayor Bassam Shaka’a and Ramallah Mayor Karim Khalif; both were injured when they started their cars at about the same time on the morning of June 2. Shaka’a lost both legs and Khalif, a foot. El Bireh Mayor Ibrahim Tawil escaped injury, but a Druze sapper was blinded as he attempted to dismantle a bomb attached to Tawil’s garage door.

The bomb attacks on the Mayors and planned attacks on other National Guidance Committee members on June 2, 1980 (just a few days after Weizman’s resignation as Defense Minister) indicates that at least one underground capable of sophisticated reconnaissance and logistics had decided to extend direct action well beyond the limits of creating facts on Palestinian land and mounting spontaneous vigilante actions to terrorize the local population.

Despite the dramatic gains made by Gush Emunim and its supporters under the sympathetic and accommodating Likud government, several factors combined to encourage the Gush to pursue its ends outside the political system and in defiance of Israeli law, a strategy leading to an escalating spiral of violent initiatives against the Palestinian people and their land.

The first factor involved Gush anxiety that the Israeli government might agree to withdraw from territory conquered in 1967; this developed in response to the Israeli-Egyptian negotiations under American pressure, which culminated in the Camp David agreements in 1979. The subsequent fight of Gush activists against the peace process manifested itself most dramatically and openly in the campaign against withdrawal from the Sinai.¹⁵ But there is also *evidence* that very early in the peace process initiated by Sadat’s visit to Jerusalem in November 1977, underground settler groups were organized to perpetrate terror particularly in the West Bank as a political weapon to sabotage any negotiated territorial compromise or autonomy for the Palestinians in the West Bank and Gaza Strip. The settlers viewed Ezer Weizman as their enemy both for encouraging the autonomy proposals and for failing, in their eyes, to take a strong enough stand against the actions of the National Guidance Committee.¹⁶

By 1979 Weizman had already acquiesced somewhat to settler demands by consenting to the transfer of settlers from their former reserve-duty military units to units in the vicinity of their residence — a move which facilitated a process already underway. As Ann Lesch notes, the system, which went into effect in May 1980:

ensures that (settlers) will guard the neighboring Palestinian towns and villages and will man roadblocks on the highways. The policy reinforces the concept of the settlements as territorial defense units, integrated into the military command structure. It also enables the settlers to gain a detailed knowledge of the Arab areas and legitimizes punitive actions against the Palestinians.¹⁷

The new regional defense policy also gave settlers easy access to weaponry and explosives and allowed them to act as autonomous units with little independent supervision. In the estimation of many Israeli critics, including the fourteen law professors whose letter of complaint led to the formation of the Karp Commission of Inquiry into Law Enforcement in the Occupied Territories, the units functioned as authorized settler vigilante gangs.

According to Dedi Zucker's *Report on Human Rights in the Occupied Territories*, the settlers see themselves as part of the security forces, a status they interpret broadly and permissively. While some acts of settler violence might be considered a response to local Palestinian resistance activity, in many cases "the acts are in the form of disturbing and scheming against Arab neighbors with the aim of expanding the area controlled by the Jews." Even when the settlers are acting outside the frame of their military reserve service, they nonetheless continue to "view themselves (as do other elements in the military government and other governmental institutions in the state) as an arm of the state whose purpose is to establish order, to punish, to impose sanctions, etc."¹⁸

A second development concerns the evolution of a dual legal system in the occupied territories. Palestinian residents are subject to a Byzantine labyrinth of Ottoman and British Mandatory law, Jordanian law, and orders of the Israeli military governor, which now number well over 1,000. Settlers, on the other hand, through a series of government decisions concerning their status and the governance of their communities, enjoy most of the advantages of Israeli law, in spite of living outside Israel's internationally recognized 1949 borders.

Significant changes in settler status resulted from the 1979 military order no. 783, incorporating all West Bank and Gaza settlements into regional councils based on Israeli municipal and district laws; and the 1981 military order no. 892, specifying election procedures for local councils in the settlements and allowing the opening of municipal and rabbinical courts. Then, in January 1984, the Knesset approved a proposal to make changes in some emergency regulations applied in the West Bank and Gaza Strip, relating to such areas as army service and the payment of taxes, national insurance and professional licenses. The proposal states that "all those to whom the Law of Return applies (i.e., Jews) will be considered citizens," and authorizes the Justice Minister, with the approval of the appropriate Knesset committee, to make even further legal changes which will fully extend Israeli law to the settlers and completely remove them from the jurisdiction of the military government, which will apply exclusively to Palestinians. *Davar's* West Bank reporter, Danny Rubinstein, characterized the development as "an orderly and legalized apartheid ... gradually taking shape ... (resulting in) annexation in which the government and the settlers are lords of the land, and rule over Jews is legally separated and Israeli law is set up in the territories — except that it skips over the Arabs ... (an) obscene regime."¹⁹

In addition to the injustices inherent in the apartheid-like system — and its questionable status in terms of international law governing occupied territory — its very structure has a direct bearing on the incidence of settler violence and the relative impotence of the legal authorities to prevent or control it.

In cases of criminal acts committed by Israeli citizens against Palesti-

nians, for example, the military commander has ordered that Israeli citizens cannot be tried before a Palestinian judge, and any legal verdict affecting Israeli citizens brought before a Palestinian judge is considered invalid and thus unenforceable. In contrast, offenses by Palestinian residents against Jewish settlers are brought before military courts whose verdicts cannot be appealed.

The dual legal system also produces major problems in terms of investigation and prosecution. The Karp Commission Report, which will be discussed in detail below, pointed to a lack of clarity about which body (military or civilian police) is authorized to investigate complaints against settlers, faulty cooperation between the two bodies, severe deficiencies in investigative procedures, interference by military personnel in police investigations, political pressure to halt or impede investigations, and open refusal by settlers to cooperate in police investigations — a position supported by a written directive from one military commander.²⁰

Moreover, the fragmentation and lack of clarity in the legal system, the blurring of settler civilian and military status, and high-level military and political support for settler goals, combine to create a situation in which settlers are usually rewarded for their illegal actions, while Palestinians eventually lose most of their cases even when existing laws appear to be in their favor.

For example, on February 10, 1980, the Chief Military attorney ordered the release of fifteen Gush Emunim members who had been arrested while attempting to set up several unauthorized settlements. His decision that they should not be brought to trial rested on obscure technical grounds.²¹ As the history of settler fact creation outlined earlier indicates, most cases of unauthorized squatting do not result in the arrest of the intruders at all.

In another case on April 1983, the Magistrate Court of Nablus ordered ground preparation for the El Kana D settlement halted at the request of landowners from the village of Bidya. Work by the construction company continued despite the court decision, stopping only after an incident in which one Palestinian was killed and two injured by a Border Guard, as they attempted to block the bulldozer from working their land. The company claimed to have purchased the land in what turned out to be a fraudulent sale. In August 1983, the Military Commander issued an order removing land registration matters from the local courts' jurisdiction. The landowners thereafter appealed to the High Court of Justice, while the construction company continued to work the land for roads and expanded settlement, and the local police refused to follow up on the landowners' complaints. The High Court also refused to endorse the Nablus court decision, but agreed to accept a second petition from the landowners naming the Israeli company as a defendant in addition to the Ministers of Defense and Interior and the West Bank Military Commander.

In the court proceedings, the Israeli government lawyer, speaking on behalf of the defendants, admitted that the company's digging and uprooting of trees was illegal, adding that he was ready to abide by the court order "unless certain political and legal conditions" come to pass. On February 13, 1985, the High Court issued a restraining order requiring the Israeli construction company to halt all activity on the Bidya village lands, an order which came after two years of crop razing and tree uprooting. This was in violation of previous orders issued by the local Nablus court in 1983

and 1984. Meanwhile, the police have been ordered to conduct an investigation into the forged land sale.

Despite possession of ownership documents and persistent utilization of the legal system, extensive damage has already been incurred on the Palestinian property throughout the two years of legal maneuvering. It is still uncertain whether their lands will be returned to them, or whether the legal and political conditions to which the government's lawyer referred might yet come to pass.²²

The case points to a third factor contributing to settler violence against Palestinians — the fact that the settlement policy of incursion into Palestinian population centers necessarily entails the seizure of large tracts of Palestinian land.

Until 1979, the military government seized primarily private property and "absentee" property (where the owner was outside the country in June 1967) on "security" grounds, technically requisitioned on a temporary basis only for the duration of the occupation. In practice, the military government exercises considerable freedom in its definition of security needs, using such land to establish civilian Jewish settlements serving rather debatable military purposes. Nonetheless, the Israeli High Court of Justice has ordered the dismantling and relocation of only one such settlement.²³

In 1979, the government shifted its strategy to the building of settlements on public or "state lands," as defined by Ottoman laws still technically in force in the occupied territories. Since the High Court considers disputes over property rights and public lands outside its jurisdiction, the only recourse for affected Palestinian landowners is to appeal to an advisory committee composed of military reserve officers, which recommends to the military commander whether the claimant holds a valid title. Despite the fact that the system has been *criticized in Israel* as "a legal caricature, with the military government as judges as well as litigants,"²⁴ the High Court upheld its "legality" on February 1982. Most Palestinian landowners in fact appeal through the system, but only about 5% win their cases.²⁵ According to Plia Albeck, head of the department in the State Attorney General's Office responsible for legal examination into land ownership, by August 1984 approximately 112,500 acres had already been declared state land, and her department was currently examining another 37,500 acres. Ms. Albeck estimates that of the total 1.4 million acres of West Bank territory, at least 40%, or 560,000 acres, will ultimately be declared state land.²⁶

In addition to the "state land" gambit, the government continues to seize property, including Islamic *waqf* properties, for public and military purposes, often meaning settlement roads and sewage systems. The government also legalized land purchases by the Israel Land Authority and other private groups in 1979. Shortly thereafter, Gush Emunim and the National Religious Party, as well as the Tehiya Party, founded private companies to take advantage of the new opportunity to buy land for their constituencies.

Palestinians obviously have grievances against the complex system of governmental seizures and private land purchases on its own terms — a system technically legal under Israeli law, but in clear violation of international law governing occupied territory. The system also lends itself to unauthorized and fraudulent activities by settlers. Incidents of forged ownership and sales documents, as well as attempts by settlers to force

Palestinians to sell their land through various forms of intimidation and deceit are not uncommon; nor are unilateral actions by settlers to expand existing settlements or building connecting roads outside the boundaries of seized or purchased property. Examples of such occurrences will be discussed in detail later in this report.

The fourth factor contributing to settler violence, again a direct result of current settlement policy, is the enforced proximity of two hostile communities in a relationship of occupier and occupied. Governmental declarations concerning coexistence to the contrary, the planting of armed fortresses of settlers who consider themselves "arms of" or above the law, on land expropriated by whatever means from the Palestinian residents, can hardly be considered conducive to neighborly relations. The policy of encircling, atomizing and dominating Palestinian towns and villages would indeed appear to be "a recipe for endless confrontation, not for coexistence."²⁷

Despite the relatively small number of Gush Emunim activists among the settlers, they exercise a disproportionate influence on the settlement movement and on the general political climate among the settlers. By occupying key positions in the settler governance structure, they are able to use the platform of local and regional councils to promote their political ends through public policy declarations and through the allocation of council funds for political actions.²⁸ They also work closely with the military and civilian government, most effectively through their participation in demonstration dispersal and settlement fact creation. And they function as an effective pressure group within the political parties and the Histadrut (General Federation of Workers, also the largest employer in Israel through its various companies) companies building the settlements. Their diversified political power guarantees their continued influence over official policy no matter which party rules the government. More germane for the subject of this report, it also ensures that Gush Emunim philosophy will continue to govern relations with Palestinians — a philosophy that both justifies and encourages acts of domination, humiliation and terror, and in its more extreme public declarations, calls for mass expulsion and murder.

By late 1980, the results of Gush Emunim strategic and ideological domination of government policy in the occupied territories were clearly manifested in the Likud's pre-election settlement rush to prevent a repartition of the Land of Israel, a policy the Gush activists promoted through their proven tactic of unauthorized squatting to extract settlement initiatives. Their strategy was closely coordinated with Agriculture Minister Ariel Sharon, who also served as Chairman of the Interministerial Settlement Committee. Security forces had also begun to use live ammunition, firing into crowds of demonstrating Palestinian youth, often with the active participation of settler "regional defense units."

Following the July 1981 elections, newly appointed Defense Minister Ariel Sharon declared what he termed a new policy in the occupied territories, under which he at first promised to cut down the lines of roadblocks, end collective punishments, and ban security forces from entering schools. It did not take long for the purportedly liberalized policy to reveal its true character as the ascendancy of the most extreme Gush Emunim formulations to the status of official policy.

Defining the Palestinians under occupation as "the Arabs of the Land of

Israel,” Sharon initiated his “first steps toward peaceful coexistence” by trying to “pry loose the hold of the terrorist leadership on the Arab population.” Within a few months, the Village Leagues were resurrected,²⁹ most elected mayors and municipal councils were dismissed for refusing to cooperate with a newly instituted “civil administration,” extreme censorship measures were enforced together with the confiscation of any material symbolizing Palestinian sentiments, demolition of the family homes of “suspected terrorists and inciters” was reinstituted on a grand scale, and lengthy curfews were imposed on refugee camps, villages and towns where any demonstration of Palestinian resistance (usually stone-throwing) had occurred. By Spring 1982, security forces were killing, wounding, detaining, and torturing youth participating in protest demonstrations at a rate *unprecedented* in the fifteen years of occupation.³⁰

In June 1982, while world attention focused to the north as Israel invaded Lebanon, the legacy of Sharon’s “iron fist” continued to exact its toll in the occupied territories, and the settlers rose to the occasion.

¹Interview in *Hadashot*, January 25, 1985; translated in *Al Fajr Jerusalem-Palestinian Weekly*, February 8, 1985: 15.

²Yigal Allon first proposed a plan in 1968, which was subsequently modified several times. While it was never officially adopted by the government, it served as the unofficial policy guide on settlement policy under the Labor Government during the first decade of the occupation. For details on the plan and its modifications, see W.W. Harris, *Taking Root: Israeli Settlement in the West Bank, the Golan and Gaza-Sinai, 1967-1980*. Chichester: Research Studies Press, 1980.

³*Ibid.*, p. 2-3.

⁴Gahal was a coalition of the Herut and Liberal Parties.

⁵For the text of the Manifesto and a list of its signatories, see Rael Jean Isaac, *Israel Divided: Ideological Politics in the Jewish State*. Baltimore: John Hopkins University Press, 1976. Appendix I.

⁶Based on Isaac’s translation of the Manifesto, *ibid.*, p. 165.

⁷Ann M. Lesch, “Israeli settlements on the West Bank: mortgaging the future,” *Journal of South Asian and Middle Eastern Studies* VII: 1 (Fall, 1983): 5.

⁸Harris, *op. cit.* p. 108.

⁹*Ibid.*, p. 87.

¹⁰Translated from the original Hebrew text as printed in Danny Rubinstein, *On the Lord’s Side: Gush Emunim*. Tel Aviv: Kibbutz HaMeuhad Publishing House, 1982. (In Hebrew).

¹¹Both Faris and Dotan were part of the official settlement plan, within the boundaries of the Allon Plan, but their implementation was actualized by the settlers’ fact creation strategy.

¹²On October 22, 1979, the Israeli High Court of Justice, in a unanimous decision, rejected the security arguments presented by the Army Chief of Staff and maintained that the Elon Moreh settlement served a political, rather than a security function, and thus could not be placed on private Arab land. The original settlement had to be dismantled, but the settlers simply moved to Jebel Kabir, another site near Nablus, and the government shifted its strategy to focus on seizure of “state land” to avoid the complications of private land seizures for security purposes.

¹³For discussions of the erosion of the Labor Alignment’s stance on settlements after it assumed an opposition role, see Lesch, *op. cit.* p. 6-7; and Harris, *op. cit.*, p. 153f.

¹⁴As quoted in Lesch, *op. cit.*, p. 19.

¹⁵The Campaign Against Withdrawal From Sinai represents a highpoint in Gush Emunim orchestrated, violent resistance to government policy. In the evacuation of Yamit, activists physically attacked Israeli soldiers. The intensity of their violent and illegal campaign has been cited, with good reason, as a warning of the strength and seriousness of Gush Emunim in its stance against any withdrawal from any occupied territory, particularly in the West Bank. There was also evidence of governmental collusion with the settlers in Yamit to create a dramatic demonstration of Israel’s intention never again to move settlers and give up territory. For accounts of the final withdrawal, as well as the corruption and political maneuvering involved in compensation and relocation of settlers, see e.g., *Israleft* Nos. 199, 202, 205/6.

¹⁶The National Guidance Committee was a coalition of Palestinian leaders in the occupied territories who, among other things, consolidated opposition to the Camp David autonomy proposals. The Committee was banned by the military government in 1982.

¹⁷Lesch, *Ibid.* p. 10.

¹⁸Dedi Zucker, *Report on Human Rights in the Occupied Territories, 1979-1983*. Tel Aviv: International Center for Peace in the Middle East, 1983, p. 51-52.

¹⁹Danny Rubinstein, *Davar*, January 4, 1984, p. 7 (Translated in *Israleft* 238: 5).

²⁰See *Report of the Inquiry Team: Investigation of Suspensions Against Israelis in Judea and Samaria*, Government Press Office, February 1984. Called the "Karp Report," after its principal author and Inquiry Team Head, Yehudit Karp.

²¹Zucker, *op. cit.*, p. 55.

²²*Ibid.*, and *al Fajr Jerusalem-Palestinian Weekly* August 10, 1984: 10 and February 15, 1985: 3.

²³Elon Moreh. See footnote 12, above.

²⁴Editorial, *Ha'aretz* (March 23, 1981).

²⁵Lesch, *op. cit.*, p. 11-12.

²⁶*Davar*, August 15, 1984, p. 1 (Translated in *Israleft* 250: 7-8).

²⁷Lesch, *op. cit.*, p. 22.

²⁸Recent examples include the Qiryat Arba Council allocation of \$5,000 to support the sit-in and publicity campaign for Rabbi Moshe Levinger next to Dehaishe Refugee Camp; and the leaflets of the West Bank and Gaza Strip Settlement Movement Council calling for the relocation of Dehaishe camp and deportation of stone-throwers. See discussion of Dehaishe Refugee Camp later in this report.

²⁹The reactivation of the Village Leagues was an attempt by the civil administration to give political power to traditional elements in Palestinian society which orientalists like the Head of the Civil Administration, Menahem Milson, thought would neutralize the progressive national leadership. Even with the extensive funding and support given them by the Civil Administration, including monopoly on the granting of travel and business permits, the Leagues were never more than marginal opportunists, rejected and hated by most of the Palestinian residents in the territories. Even the Israelis finally abandoned them, with many officials terming the whole exercise a farce. During their heyday in 1982 and 1983, they were supplied with Israeli Army weapons, which they used against the Palestinian population, under the cover of "self-defense."

³⁰For details on government policy during this period, see e.g., Yehuda Litani, *Ha'aretz* March 26 and April 2, 1982 and *Israleft* translations from the Israeli press throughout the period.

Chapter Two

Settler Violence: 1980-1984

Given the context outlined in Chapter One, we turn to an examination of the incidence of settler violence against Palestinian persons and property in the occupied territories during the last five years. For this purpose, it was necessary to conduct a survey using a variety of sources, since no official, reliable and complete record exists on the subject.

The very factors contributing to the inevitable pattern of settler violence under occupation also make it extremely difficult to compile accurate and reliable statistics of actual incidence. Due to the dual legal system and consequent disputes over the jurisdiction of the various investigative and judicial systems, few of the cases in which Palestinians do file official complaints are adequately investigated, and only a small portion of those brought to court. Moreover, aware of the futility of their complaints, the likelihood of governmental complicity with settlers, and the probability of settler non-cooperation with the authorities and subsequent revenge, most Palestinian victims do not bother to file a complaint with the authorities at all.

In light of these difficulties, the most reliable sources for estimating incidence of settler violence are press reports where the perpetrators are identified with a high degree of certainty as settlers, and where the essential elements of the case are confirmed by at least one Israeli source.³¹ Journalists and lawyers involved in the occupied territories concur that this method ensures a reliable record of assaults against land, where the Palestinian landowners have filed complaints, and of killings.³² For less serious cases, involving physical injury, abductions and property damage, reported incidents probably account for about 80% of actual occurrences. For other instances of harassment and intimidation with minor injury or property damage, the reported incidents represent a much lower percentage of actual occurrences, perhaps as low as 30 to 50%.³³

The Table below summarizes the main points of the survey, based on several press sources corroborated by special reports and legal files, for the five year period, 1980 to 1984³⁴

The Table shows a dramatic increase in reported incidents during the five years surveyed, more than doubling from 1980 to 1982, and almost doubling again by the following year.³⁵

This pattern suggests a direct correlation between Sharon's "iron fist" policy, instituted in 1982, and intensified violent activity by settlers, belying settler rationalizations that government negligence forces them to take the law into their own hands in self-defense. On the contrary, it would appear that an "iron fist" governmental policy creates an atmosphere and sets an example encouraging settlers to take direct action against Palestinians and their property. The atmosphere of license is further promoted by the functioning of the dual legal system described earlier which virtually ensures settler impunity for vigilante actions including vandalism, home demolitions, arson, abductions, beatings, rampages, and even murders.

Moreover, if, as government officials maintain, Palestinian resistance activity also increased during this period, the pattern suggests that, at best, the government's "iron fist" coupled with settler vigilante actions, is rather ineffective in its avowed aim of deterrence and guarantee of settler security. In fact, the policy would seem to provoke even greater resistance activity.

This escalating spiral of violence, and the interrelationship of governmental and settler activity, is evident in many of the examples illustrating forms of settler violence in the following capsulized highlights of the five-year survey of incidence.

Killings: In the period surveyed, settlers killed at least twenty-three Palestinians, including eleven children and twelve adults, four females and nineteen males. Over 40% of the murders were committed with firearms and another 25% with bombs, grenades or mines of military-issue. In other words, fully two-thirds of the killings were committed with military weapons, directly linked to the easy access and lack of control over weapons and other material issued to settlers in the regional defense units. This lack of control also allows settlers to exchange parts throughout the settlements, making it almost impossible to trace the murder weapons.³⁶ The remaining one-third of the murders resulted from beatings, stabbings and unknown causes.³⁷

Shooting deaths occurred under two circumstances. The first involved settlers acting alone or with military troops, to disperse demonstrations of Palestinian youth. The second involved reprisal actions for Palestinian resistance activity, usually stone-throwing. The victims in both circumstances were most often random targets, who themselves had inflicted no injury on settlers and sometimes were not even in the vicinity of the alleged violence the settlers were avenging.

To date, no settler who has murdered a Palestinian in the last five years has been tried, convicted, and sentenced for the offense. One man and his accomplice — suspected of murdering an eleven year old girl in Nablus while driving around the city in a self-declared "show of presence" — have been tried, but the judge has not yet delivered a verdict. The accomplice has also been indicted for manslaughter for shooting another young woman, again a random victim, five days before her wedding was to have taken place. (See Appendix K "A Bride on the Road"). Some members of the settler terrorist organization arrested in April 1984 have been charged with the three murders committed during the assault on the Islamic College in April 1983, however, at the time of this writing the trial is still in progress and it appears that the more serious charges such as this one will be subject to plea bargaining or an outright declaration of amnesty to free the Jewish terrorist underground.

In most cases, even when the identity of the assailant is known, the suspect is not questioned, let alone brought to trial. Police investigation is so negligent that often the circumstances surrounding the murders are never clarified, eye-witnesses — including Israeli soldiers and civilians — are not questioned, sufficient evidence is not compiled to permit prosecution, and the suspects are set free to commit further atrocities. Two cases deserve special mention.

On March 17, 1982, Shilo council secretary Natan Natanson shot three youth, killing one, near the village of Sinjil, after stones were thrown at his car. The Jerusalem Magistrate's Court ordered the police to reduce the charge against him from murder to manslaughter, but even this charge was later dropped when police claimed that the bullet that killed the youth could not have come from Natanson's weapon, although eye-witnesses and sources close to the investigation claim that the assailant's identity was never in question.³⁸ Natanson is now a defendant in the settler terrorist organization trial, charged *inter alia* with attempted murder.

A week after the Sinjil killing, Beni Nir, the lieutenant responsible for security in Qiryat Arba, shot and killed an 18 year old boy from Beit Naim village. In this case, the military authorities prevented the police from arresting Nir, and a delegation of the Qiryat Arba Council (said to have included Nir himself) declared to the police that they would not cooperate in the investigation in the wake of the arrest of Natanson a week earlier.³⁹ On January 31, 1984, Nir was charged as one of six defendants in the July 1983 Hebron (Khalil) market burning and riot.

Injuries: Most injuries requiring medical attention were inflicted under similar circumstances, with similar response from the legal authorities. Out of approximately 200 reported injuries, one-quarter of them were inflicted by shots from firearms, while another 20% were the result of military-issue bomb and grenade attacks. Most victims were male (only about 25 victims were female), almost a quarter of them children.

In addition to "demonstration dispersal" and reprisal actions, many injuries also occurred in the context of attacks on land, private homes and holy places, by settlers asserting Jewish historic rights or attempting to remove Palestinian residents and expand settlements.

Abductions: In the five years under study, there were thirty-eight reported abductions of Palestinians by settlers. All those kidnapped were male, two-thirds of them children.

The most typical case involved a carload of settlers picking up one or more children on the road or breaking into a school and carrying off one or two youth. The children were driven to a nearby settlement or to another remote spot, subjected to various humiliations and threats, sometimes left in solitary confinement (in a settlement woodshed, for example), and often beaten. Usually after a few hours, they were released at a considerable distance from their village, or in some cases, delivered to the local police or military headquarters. In at least one instance, settlers killed their victim, leaving his body in a ditch along the settlement's roadside.⁴⁰

These vigilante kidnappings are rationalized by the settlers as citizen's arrests in response to stone-throwing or demonstrations in the area, although in most cases the victims were selected at random, the main goal being to terrorize the selected youth to serve as a deterrent example to their peers. Occasionally, settlers have other motives, as in the case of Ahmad Khalil

Muhammed Jaas who stated in a sworn affidavit that three men abducted him at gunpoint, drugged him, stole his identification card and photocopied it in an attempt to forge a sales document for his land. The case was reported to the police and to the Karp Commission by his lawyer, Felicia Langer, but there was no response, and the settlers have continued to work his land and uproot trees.⁴¹

The following statement of one victim's mother indicates how settlers conduct such abductions with the complicity of the military authorities. It is a translation of a taped interview with the mother of Issa Burbar, a 24 year old electrician who, together with Ghattas Burbar, a 20 year old mechanic, and Jamil Al-Hajj, a 21 year old electrician, all residents of Birzeit village, was abducted by settlers on March 24, 1982:

At about 7:30 p.m. my son and his two companions had just finished work and went to the cafe close to our house when three settlers in civilian clothes, and machine guns, came out of their car, pointed their guns at us and said 'You, you (and your friends,) give us your I.D. cards.' Then they ordered the 3 men into their car and sped away.

Other men at the cafe ran to me and told me. We went to the post office and called the police and got the number of the Military Governor. He was very upset when we got his number, 'Where did you get my number from, and why do you keep saying it was settlers.' We described them and said they were heading in the direction of Hamalish settlement. He said he would call back. In ten minutes he said that he had called a patrol that was stationed in the area and that the men were released. They did not arrive till 9:30 p.m. From them we learned that they were taken to a roadblock and Ghattas was made to clear it up. They then released him, figuring it was easier to handle only two. The settlers drove on and not the patrol. My son said they were relieved to be with the army but instead of taking them, the army just talked to the settlers and drove away. When they were out of sight, the settlers asked them to go down and walk home through the hills instead of along the main road. A settler said to them 'if we see you on the road, we will kill you.'

Issa's father was killed in 1967, his older brother is in the USA and (Issa) is the wage-earner of the family, busy making a living to support his sisters (one was born after her father was killed). He has no time for demonstrations, it is very hard to find work and once you find it you stick to it. I do not let him work outside Birzeit, I do not want to lose him.⁴¹

Attacks on Schools: Settlers have mounted at least thirty attacks on educational institutions in the occupied territories in the last five years, including a kindergarten, elementary and secondary schools, and colleges. The most devastating and well-known case was the attack on the Islamic University in Hebron (Khalil) on July 26, 1983, in which three adults were killed by machine gunfire and grenades and at least thirty others injured. Settlers had previously attacked the Islamic University, in May 1982, vandalizing buildings and furniture in retaliation for stone-throwing incidents in the area. They have also attacked Birzeit University students on occasion while participating with security forces in demonstration dispersal. In one case, a kindergarten was shot at by passing settlers. Most attacks, however, involve elementary and secondary schools, rationalized both as revenge and taking the law in their own hands following demonstrations or stone-throwing in the area.

At least a dozen bombs have been set on school property, most of which were discovered and safely defused, although some have resulted in injuries to students and damage to the school buildings. Other settler attacks on schools have included grenades, gunshots, arson, and vandalism of buildings, furniture, equipment and school records. On some occasions, groups of settlers have entered school buildings, disrupting classes and ter-

rorizing students with threats, shots in the air, beatings and abductions of either students or teachers.

Attacks on Vehicles: A typical form of settler violence involves night raids on cars. Between 1980 and 1984, settler gangs stoned, smashed, clubbed, bombed, shot at, and burned over 70 vehicles, mostly private cars, in over 60 night raids. The attacks took place in the large cities and villages in the Hebron (Khalil), Ramallah-ElBireh, Jerusalem and Bethlehem districts, with a few attacks in refugee camps and smaller villages.

Attacks on Public Places and Institutions: The planned bombing of six East Jerusalem buses by the settler terrorist organization in April, 1984, was particularly shocking in view of the indiscriminate and extensive death and injury it would have inflicted on random and innocent victims. Had it succeeded, the results would have been particularly horrific, but as a mode of attack on Palestinians, it does not stand alone.

In addition to attacks on schools, mosques and churches, discussed elsewhere, at least fourteen bombs or grenades exploded in public places like markets, public squares, and coffee shops between 1980 and 1984, while countless other bombs and grenades were discovered and safely defused. Six attacks were also made on public service facilities, like water lines, electricity pylons, and generators.

Public institutions, like newspaper offices, municipalities and charitable associations symbolize Palestinian nationalism and thus also become objects of attack. There were such attacks in the five years under study, in addition to physical attacks and threats against the leaders of such institutions. An example is the arson of the Nablus courthouse in which valuable land ownership documents were burned. Most of the 15,000 files burned in the fire dealt with fraudulent land deals and disputes between West Bank landowners and Israeli real estate companies and their agents. Since most cases had been decided against the real estate companies but not yet executed, the arson will give them time to change facts on the ground while landowners look for new documents to prove their ownership. In February of this year, the Ramallah and Bethlehem district courtrooms were objects of similar sabotage attempts.⁴³

Harassments: The incidents described in this section are part of the daily experience of Palestinians under occupation. Often the context within which murders and serious injuries occur creates an atmosphere of terror designed to make the daily life of Palestinians so unbearable as to force them to leave their land, their homes, and ultimately, their homeland. Such phenomena have steadily increased in number and intensity with the encroachment of settlements into densely populated Palestinian areas. About half of reported harassments occurred in the Hebron (Khalil) and Jerusalem (al-Quds) regions, with a high percentage also reported in Ramallah, Bethlehem and Nablus areas.

In the five years surveyed, 100 incidents of harassment, in addition to attacks on land and persons involving serious damage and injury, were reported in the press. It is clear, however, that these reported incidents represent only a small portion of actual occurrences. The overwhelming majority of even the cases reported in the press did not involve a formal complaint to the police, for the reasons cited earlier. In addition to the few cases in which Palestinians fail to complain for fear of self-incrimination, most Palestinians fear revenge by settlers, leading to even greater harassment, in-

jury or damage. Moreover, victims assume, based on their experience and that of their neighbors, that the authorities cannot or will not respond with effective deterrence, investigation or prosecution of the perpetrators. On the contrary, settler harassments have been the objects of praise from military personnel who have evaluated their role in demonstration dispersal, for example, as "more outstanding than our soldiers."⁴⁴ Officials like former Defense Minister Sharon and Major General Uri Orr, then Chief Military Commander of the Occupied Territories, have justified settler harassment activities as forms of self-defense. And one Military Commander, General Amnon Lipkin, even issued an order to a packed Qiryat Arba Council room to the effect that "whoever is stoned must chase the stone-throwers and catch them."⁴⁵ Most settler harassments go well beyond the bounds of even this questionable order, however, and point to motives which have nothing to do with self-defense.

There are six common forms of harassments. First are rampages by settlers, occasionally accompanied by security forces, into refugee camps, villages or schools, usually on "reprisal raids." The second are harassments of landowners, workers, homeowners, and shopkeepers, involving armed threats, shots in the air, and other forms of intimidation. Third are vigilante demonstration dispersals. These three types usually result in serious injury, death, or property damage. Examples are included in other sections of this report.

A fourth type of harassment involves vigilante roadblocks and checkpoints. The most common form is a checkpoint similar to ones set up by borderguards, to check or confiscate identification cards, to search vehicles, and generally to humiliate passengers by forcing them to stand outside their cars at gunpoint. In some cases, settler roadblock operations employ youth, 15 or 16 years old, in a training exercise. Occasionally, roadblocks are coordinated with other settler operations, such as the summer-fall 1984 roadblock set up next to Dehaishe Refugee Camp during Rabbi Levinger's protest settlement there.

The largest operation of this kind to date occurred on the morning of February 3, 1985, when over 1000 settlers turned out in 300 cars to block 28 major roads connecting Jerusalem to other West Bank towns and villages. For over two hours, they stopped vehicles, checked and turned back hundreds of Palestinian workers and school children, and generally snarled traffic, until the settlers had to leave for their regular jobs. Despite the fact that their display of strength was clearly illegal, the settlers were not arrested.

A second type of checkpoint is one designed to confiscate agricultural produce, to prevent its entry into Israeli markets. One such system was set up by settlers on major roads in the Jordan Valley in February 1984.

Large-scale demonstrations, marches and rallies in the midst of Palestinian refugee camps, towns, villages and holy sites, constitute a fifth type of harassment. Such demonstrations generally serve three purposes: to threaten Palestinians with expulsion and retribution; to demonstrate Jewish presence or to lay claim to Jewish historic rights over a site; and to incite other settlers, the Israeli public or governmental figures to action. One example was the mass rally held outside the Russian Compound prison in Jerusalem during the spring of 1984 when several ministerial and Knesset figures joined the settler leadership in calls for incitement and support of

the settler terrorist organization arrested a few days earlier. Another was the provocative march of several hundred settlers from Dehaishe Refugee Camp to the Cremisan Monastery to “demonstrate presence and Jewish rights” to the occupied territories, during Rabbi Levinger’s siege of the camp and about two months after a mentally disturbed youth from Dehaishe Camp had murdered two Israelis near the monastery.

The most notorious leaders of such demonstrations are American born Rabbis Meir Kahane and Moshe Levinger. In addition to his recent, well-publicized provocations against Palestinian villages inside the Green Line, Kahane has conducted marches, demonstrations and rallies throughout the occupied territories as early as 1980, including downtown Ramallah, the Old City of Jerusalem, Dahariya, and Dehaishe Refugee Camp, usually calling for expulsion of the Palestinian population and threatening to avenge the spilling of Jewish blood.

While Kahane’s approach concentrates on incitement and terror, Rabbi Levinger specializes in the sit-in which leads to extracting promises of settlements or “iron fist” governmental policy toward the Palestinians. He has, however, conducted several provocative demonstrations. In one case in 1983, on the day of the death of Esther Ohana (who had been hit by a stone hurled at the military vehicle in which she had been riding along the main street of Dahariya village), he extracted permission from the authorities to lead a procession of some 70 Qiryat Arba residents to pray in the center of the village, with the town locked inside under curfew. At the end of the prayers, Levinger declared through the loudspeakers, translated by another settler into Arabic for the benefit of the residents, that “Jewish blood will not be spilled in vain,”⁴⁶ and indeed, in this case as in others, the Rabbi’s “prayers” were answered. The entire town of Dahariya was kept under a long and harsh curfew during which many workers in Israeli industries lost their jobs, children missed weeks of school, and hundreds of youth were rounded up and detained for interrogation. Eventually five youth were charged with and convicted of the murder, and are now serving lengthy prison terms. Despite the assumption that all five could not have thrown the deadly stone, the army sealed the homes of the five families as a collective punishment. The settlers were not content, however, with leaving all in the hands of either God or the government, and throughout 1983, acts of violence against Palestinians in the area escalated.

A sixth form of harassment is letters, statements and declarations to the press or distributed to the local population. In addition to Kahane’s tactics, the most prolific is the West Bank and Gaza Settlement Council which over the years has issued dozens of declarations, resolutions and action plans. In 1982, for example, the Council decided on an action program in which they called on settlers to “take care of the question of the Temple Mount and the return to Sinai, this time forever.” And in a document written in June 1982, the Council called on settlers to act aggressively against the news media and Arab Mayors on the West Bank, to infiltrate Peace Now, and to carry on a campaign of complaints to the authorities. The Council has several times issued statements calling for deportation of stonethrowers and their families, the relocation of refugee camps, and other solutions to Palestinian presence.⁴⁷

Attacks on Land and Homes: As noted earlier, the settlers were never merely passive recipients of governmentally expropriated land and proper-

ty. From the very beginning of the occupation, they have taken an aggressive stance in creating facts on the ground and in realizing their claim to Jewish historic rights, whether to land, private homes, or holy sites.

In the five-year period surveyed, settlers mounted over seventy attacks on Palestinian farm land, destroying and poisoning trees and crops, bulldozing and leveling land for settlements, cutting of access, forging land sale and ownership documents, and generally harassing and intimidating Palestinian landowners into giving up the struggle to retain their land. There were six attacks on farm animals, including the theft of sixty-four animals, one injury and seventeen deaths of animals. Sixty-six attacks were mounted against private homes and buildings, including at least a dozen demolitions, fifty incidents of damage involving scores of structures, and ten incidents of attempted or successful seizure and settlement. The declared aims of such attacks are to force Palestinians off their land and to expand Jewish settlements. Not surprisingly, most cases occur near areas of intensive Jewish settlements, particularly in the Ramallah district, the Bethlehem and Hebron (Khalil) districts (near Qiryat Arba and the Gush Etzion bloc of settlements) and in the Muslim Quarter of the Old City of Jerusalem.

There are ample examples which demonstrate the type of campaign waged by settlers. Land and homes in the vicinity of the Qiryat Arba settlement have been subject to attack since the settlement was established in 1970. One case investigated by the Karp Commission involved a series of grenade attacks on the Dana' family, whose house is located on the border of Qiryat Arba. The investigative team set up after the third grenade attack, when the Karp Commission had the incidents drawn to its attention by an article in the press, reported that figures wearing army uniforms had been seen fleeing from the scene of the attack into the settlement. The settlement guard, however, was afraid to talk for fear of reprisal. The police stated that attempts to question settlement residents also proved fruitless, since the settlers refused to cooperate in the investigation.⁴⁸

In a signed affidavit to Law in the Service of Man, the Ramallah-based West Bank affiliate of the International Commission of Jurists, Sa'deah al Bakri, the 45 year old widow of Dana', relates some of the methods used by settlers and military personnel in their attempts to force the family to abandon their land and home. About three and a half acres of the family's land was expropriated to build the settlement in 1970, and thereafter the settlers had tried various forms of intimidation to buy the remaining acres. "When my husband absolutely refused," she recalls, "the harassment and terrorism started." From 1972 on, grenades were thrown at the home, windows broken, produce stolen, her children chased and attacked by settlement children. At one point, her husband was arrested and detained without charges for eight months. In 1981, the settlers started working the land with bulldozers, and she and her children were beaten and cursed when they tried to stop them. In February 1982, three bombs were thrown at the home, damaging the house and some of its contents. The unit sent to investigate produced no results. Her testimony ends on a note of desperation:

At this point we don't know who to turn to, as our future is in jeopardy, especially since my husband's death in 1977, as he was the one who dealt with these problems. A life like ours with all the harassment and ill-treatment we receive from the settlers is devoid of human rights. Wouldn't it be better to be dead rather than to live under these circumstances?"

The despair evident in Sa-deah al Bakri's testimony is contrasted by the unique and inspiring fight of al-Jib landowner Abdullah Salman Khaleifeh and his family who, with the help from their friends, have met Israeli bulldozers by a steadfast stand on their land.

In March 1984, the Moreshet Benjamin Company bulldozed a road through Khaleifeh's land, linking the Givat Zeev settlement with its new "Build Your Own Home" extension, damaging Khaleifeh's wheat crop and olive trees. Khaleifeh consulted with his lawyer, Jonathan Kuttub, who began out-of-court negotiations with the company, which acknowledged that it did not own the land and offered a handsome sum of money for the right of way. It was an offer Khaleifeh refused. The company continued to use the dirt road throughout the summer, while "unknown persons" uprooted the remainder of Khaleifeh's forty olive trees.

In the fall of 1984, Khaleifeh started to work his land again, including the area through which Moreshet Benjamin had forged its road. The company retaliated by dumping twenty truckloads of rubble on Khaleifeh's tilled soil. His complaint to the police was refused on the grounds that Palestinian courts have no jurisdiction over Israeli citizens in the occupied territories. With negotiations and legal resource closed to him, Khaleifeh decided to defend his rights on the ground, with bulldozers of his own. In mid-December, accompanied by his friends, lawyer, the media, and some sympathetic Israeli political figures, Khaleifeh started his campaign of leveling and planting his land, in the face of repeated sabotage operations by Moreshet Benjamin bulldozers re forging their road.

As of April, 1985, a promised restraining order from the military governor had not been issued, and the company, working hand-in-glove with the authorities, claimed ownership of the land, despite prior statements to the contrary and continued failure to produce the appropriate papers.

Meanwhile, Khaleifeh's strategy of taking his case to court, while actively resisting settler designs on his ground, has inspired his neighbors to take similar action. So far, legal action has produced no tangible results, but through his courageous action, Khaleifeh has at least stood his ground.⁵⁰

In March 1980, Ayoub Kanus Toutunji, head of the last remaining Palestinian family from the 800 families who lived in what became the extended Jewish Quarter of Jerusalem's Old City in 1967, finally agreed to leave his home, when it became clear that the municipality would enforce its 1974 eviction order. The day before Toutunji was due to be evicted, Mayor Teddy Kollek justified the evacuation of Palestinian families to create a purely Jewish Quarter as "in keeping with Jerusalem's mosaic, non-integrative, population pattern." Said Kollek, "We have Jewish properties in the Muslim Quarter which we haven't resettled with Jews. There's not a single Arab in the Armenian Quarter or an Armenian in the Greek Quarter. This is a city in which everyone likes to live surrounded by his own schools and cooking odors and houses of worship."⁵¹

Despite this declaration, it appears that the cooking odors and worship practices of the Jewish yeshivas, some of whom are preparing for animal sacrifice once the Third Temple is erected, will mix with those of Palestinians living in the Muslim Quarter.

On April 4, 1983, as 65 year old Fatmeh Abu Mayaleh was preparing chicken soup in her kitchen in Aqbat Khaldieh courtyard, students from the Birqat Avraham yeshiva, who had taken over a neighboring building,

stabbed and beat her unconscious. Mrs. Khaldieh never recovered from the beating. Nineteen year-old Nafez Mohammed Daoud Abu Meizer was beaten by the same students as he tried to carry her to safety, and was hospitalized. Abu Meizer, who had refrained from lodging a complaint with the police for fear of revenge, had his fears realized a few weeks later when he was again beaten by the yeshiva students.

In 1967, eighteen Palestinian families resided in the courtyard area. By 1983, only two families — the Abu Mayalehs and the Abu Sneinehs — remained, after a combination of violent assaults and harassments had finally forced the others to sell out or abandon their property. A few months after the violent attack on Fatmeh, the Abu Sneineh family also moved to the safety of a relative's home in Hebron (Khalil), where all fifteen family members live in one room. Repeated complaints to the police of assaults, indecent exposure, refuse and sewage dumping, and all night singing and dancing — as well as extensive publicity and interest from various Israeli and foreign journalists and human rights groups — have been unable to ensure the right of the Palestinian residents to live in peace in their homes.

Attacks on Holy Sites and Religious Institutions: The issue of access to and protection of Muslim and Christian holy sites and religious institutions is perhaps the most sensitive of all the issues raised by the Israeli occupation. The concerted campaign by settlers and Jewish extremists of trespass, sabotage, and attempts to “Judaize” sites sacred to the three religions and to erase symbols of non-Jewish presence, coupled with high level, official vacillation and complicity in a supportive religio-nationalistic atmosphere, has created a dynamic with potentially disastrous consequences.

In the five years surveyed, at least thirty-six attacks were mounted against holy sites and Muslim and Christian religious institutions in the territories occupied in 1967. The attacks centered on the Hebron (Khalil) area — city of the Patriarchs — and on Jerusalem. One-fourth of the attacks were launched against the Haram al Sharif, site of the Dome of the Rock and al Aqsa mosque, in the Old City of Jerusalem.

Attacks against Christian and Muslim institutions in recent years appear to have been motivated by a general religious and nationalist hostility toward any non-Jewish presence, and, in the case of Christian institutions, by hostility toward perceived proselytizing. Two terrorist groups apprehended in 1984 and charged with many attacks on churches, mosques, monasteries and other institutions primarily in the Jerusalem area, declared such motives. The “Lifta,” or Bnai Yehuda, Messianic group stated that their aim was “to purge Israel of foreign cults,” while the Ein Kerem-based TNT (Hebrew acronym for Terror Against Terror) group emphasized their intent to frighten Arabs in general. One defendant of this latter group cited the influence of the anti-Palestinian education and nationalist interpretation of the Torah he had received in the Jerusalem yeshiva he had attended. The Lifta-based Messianics also seemed driven by some secular motives as well. In addition to their extensive cache of stolen military-issue explosives, the police found a portrait of former Chief of Staff Raphael Eitan among their possessions. Among the charges against the group is an attempt to blow up the al Aqsa mosque in January 1984. While the gang has been described in the press as a “collection of a few half-wits, religious fanatics, and petty criminals,” such crazed elements are not alone in designs to destroy the mosques and shrines on the Haram al Sharif. The attempt to

blow-up the third holiest site for the world's one billion Muslims may indeed seem to be an act of lunacy. But as *Ha'aretz* editorialized, "lunacy is no longer rare among us."⁵²

Muslims revere the Haram al Sharif as the site where the prophet Muhammed ascended to heaven, and, except for an 88-year period of Christian Crusader rule, they have maintained the sacred site for the last 1,300 years. Religious Jews consider the area to be the site of the second temple, destroyed in 70 A.D. and therefore the site on which the third temple must be built, to usher in the Messianic end of time. Until recently, the consensus in orthodox Jewish circles upheld the *Halachah* (Jewish religious law) injunction forbidding entry to the site until the coming of the Messiah. But as early as August 1967, then Chief Rabbi of the Armed Forces, Shlomo Goren (who later became the Ashkenazi Chief Rabbi), led a group of fifty religious Jews into the area, declaring that in his judgment some areas of what Jews call the Temple Mount are not holy; and in 1976 he published his calculations indicating only one corner of the Haram al Sharif — the exact spot of the Holy of Holies — to which entry should be forbidden.

The Temple Mount Society (El Har Adonai), a private interest group founded in 1971, supports this view. It draws its constituency from religious-nationalist circles, including students of Rabbi Tzvi Yehuda Kook's Mercaz Ha Rav yeshiva, the Ateret Cohanim Yeshiva (devoted to preparation for priestly service in the third temple rituals), Bnai Akiva's hesder yeshivas (religious schools whose students also do army service, affiliated with the National Religious Party), and others. The Temple Mount Society's primary goal is to re-establish Jewish sovereignty over the area and to erect a synagogue in which the entire nation of Israel can pray next to the Holy of Holies. If Jewish sovereignty cannot be achieved, or until it is, the Temple Mount Society advocates the erection of an alternative synagogue adjacent to the Temple Mount set on pillars to ensure that it is the highest building in the vicinity, in accordance with *halachic* provisions.

Visitors of Zion, a group whose members basically support the Temple Mount Society position, was founded after the passage of the 1980 Jerusalem Law, primarily to conduct on-site visits and explanations about the issue of the Temple Mount for interested youth.

The Temple Mount Faithful (Ne'emanai Har Habayit), established in 1967, advocates a more extreme and activist position. Its supporters include Irgun and Lehi (pre-state terrorist organizations) veterans, Gush Emunim extremists, and Meir Kahane and his followers. It is headed by Stanley Goldfoot, who also acts as Israeli liaison with the Christian Jerusalem Temple Mount Foundation, which has raised millions of dollars to support activities, violent and otherwise, aimed at building the temple as a prelude to its destruction and the coming of the Messiah. Despite the inevitable conflicts of interest in their different interpretations of the final days, these Christian and Jewish organizations are in agreement on the initial stages of eliminating Islamic control and presence in the area.⁵³

The Temple Mount Faithful advocate direct action to establish Jewish sovereignty over the Haram al Sharif. They also lobby for the right to pray and to establish synagogues in the area, to establish a "Temple Mount Authority," and, in the meantime, to fly the Israeli flag over the area on holidays. Some openly advocate — and have attempted — to blow up the mosques to facilitate the building of the third temple. Despite their openly

seditionous and violent position, the Israeli High Court of Justice ceded to their demands for prayer next to the Haram al Sharif by the Magrabi Gate, in May 1983.

Besides these formal interest groups, a broad spectrum of the public, in religious and secular circles alike, support their general goals. The West Bank-Gaza Settlement Council, for example, has called for "dealing with the question of the Temple Mount..." in a statement cited earlier. And in the 1984 general election campaign, the Kach, Tehiya-Tzomet and other right-wing parties prominently featured the area as a backdrop to their television advertisements. While there have been over 100 attacks on the Haram al Sharif by Jewish religio-nationalists of various sorts since the occupation in 1967, the Chief Rabbis and most religious leaders have never condemned the acts, and *some* have even participated in them.⁵⁴

Sovereignty over the Temple Mount is the pinnacle of the Whole Land of Israel ideologists' dreams — what Rabbi Shlomo Aviner has called "the supreme purpose of the ingathering of the exiles and the establishment of our state." And while the government apparently wants to avoid any successful sabotage — because of the probable repercussions of such an event in provoking an all-out war with the Islamic world which would inevitably draw in the superpowers in a deadly confrontation of worldwide proportions — it has nonetheless responded to the attacks with alarming leniency, a campaign to coverup events and to downplay the serious intentions of the saboteurs.

The attacks on the Haram, as well as the interrelationship of Jewish nationalists with Christian fundamentalist groups, have been well-documented elsewhere, particularly in Grace Halsell's thorough account, "Shrine Under Siege."⁵⁵ It is intended to draw attention to some aspects of recent attempts to assert Jewish sovereignty or to destroy the mosques, noting the significance of this campaign within the overall pattern of settler violence and governmental response.

The tendency of the Israeli government has been to dismiss those who assault the Haram al Sharif as "fringe elements" and "crazed individuals," having no connection with mainstream organizations like Gush Emunim. It was a common response used by the government for numerous assaults from the 1969 arson of al Aqsa mosque, to Alan Goodman's 1982 shoot-out at the Dome of the Rock, to the January 1984 attempt of the Lifta gang. In addition, the government has also taken steps to play down the seriousness of the attempts and has often covered up or deliberately distorted the facts of the case.

A notable example was a 1980 plot to blow up the Al Aqsa mosque. In May 1980, an extensive arms cache of explosives and grenades was discovered on the roof of the Western Wall Yeshiva, leading to the arrests of Warrant Officer Moshe Ben-Arieh and Private Arieh Liebowitz. In August of that year, the two were sentenced — to 19 months and to 13 months with 12 months suspended, respectively — on charges of taking ammunition from the army, inappropriate use of military equipment, improper conduct and impersonation.⁵⁶ The defendants confessed that they had intended "to blow up Arab buildings, including mosques, in the Judea and Samaria area and also to blow up missionary institutions in Israel" in revenge for the murders of six yeshiva boys in Hebron (Khalil) on May 2, 1980. Their defense lawyer, Roni Milo (MK-Likud), claimed in their

defense that “they did a silly act as a result of an unusual explosion of feelings stemming from frustration.” The lenient sentences — which shocked many legal experts — were greeted by cries of joy from the defendants’ parents and friends in the courtroom.⁵⁷

Not mentioned in the indictments or the court proceedings, but corroborated by the authorities and at least two Israeli press sources⁵⁸ was the fact that one of their targets was the al Aqsa mosque. The arrest of the two defendants, who had links with both Kach and Gush Emunim, coincided with the administrative detention of Meir Kahane and Baruch Ben-Yossef (Green) on May 13th, based on evidence that they planned to carry out unnamed serious offenses which security sources admitted privately included a plan to blow up al Aqsa. Deliberately misleading information on both cases was leaked to the press, and efforts were made to separate them from Gush Emunim, despite strong evidence to the contrary.⁵⁹

Alan Goodman’s April 11, 1982 attack on the Dome of the Rock resulted in the death of two people and the wounding of at least thirty others.⁶⁰ Circumstances surrounding the assault and ensuing riots, as well as the involvement of the security forces, are unclear, with several contradictory press reports. At least one shooting death occurred in the scuffle following his initial attack, by a weapon other than Goodman’s. There was also *speculation* that other people were involved in the initial assault, especially given the extensive gunshot damage to the Dome of the Rock entrance near the scene of the attack, but Goodman was tried as a lone gunman, and no evidence was investigated or brought to court related to other Israeli, civilian or military, culpability for the damage, injuries and deaths.

In response to the worldwide outrage and condemnation of Israeli security negligence in the affair, Prime Minister Begin’s office issued a curious statement, charging that

the forces of black reaction perpetrated a blood libel against the Jewish people in its homeland, while the civilized, democratic world once again stood by and remained silent ... But let the enemies of Israel ... take note: the days when the Jewish people was defenseless and paid with rivers of the blood of its sons on account of false libels brought against it by evil men — these days are gone, never to return.⁶¹

Meanwhile, Kach announced that the central argument for the defense would be that “since the Temple Mount is first and foremost a Jewish holy place, Arabs have no right to tread there. And if they had not been there in the first place, the shooting incident never would have occurred.”⁶²

A year later, Goodman was declared sane and found guilty by a Jerusalem court and sentenced to life imprisonment, plus 20 years. His lawyer said that she would appeal the sentence and the sanity decision, while Goodman left the court with raised fists, shouting that Israel should “liquidate the Arabs.”⁶³

In another incident, on March 10, 1983, dozens of Qiryat Arba yeshiva students with a large arms cache attempted to storm the Haram al Sharif through an underground passage leading into the al Aqsa mosque. Four armed youths were arrested on the scene, and another forty-one persons arrested in the home of Rabbi Yisrael Ariel, former head of the Yamit yeshiva in Sinai and number two on Kach’s 1981 elections list. Twenty-nine of the suspects were eventually tried, charged with incitement to rebellion and conspiring to harm a holy site.

In his decision of September 20, 1983 acquitting the twenty-nine of all

charges, Judge Yaacov Bazak reprimanded the prosecution, claiming that it had not proved the charges and that the assault was only the “amateurish act of innocent youths.”⁶⁴ The Christian Jerusalem Temple Mount Foundation of Los Angeles, led by Terry Reisenhoover, raised the money for their defense.⁶⁵ Police sources maintained that Bazak’s decision would mean that they will be unable to prevent the open functioning of groups whose declared aim is to take over the mosques.⁶⁶ Judge Bazak, it should be noted, heads the team of judges assigned to the trial of the settler terrorist organization apprehended in April 1984, which had, among other things, plotted to destroy the mosques on the Haram al Sharif. Judge Bazak refused to disqualify himself despite the fact that two of his sons are settlers in the occupied territories and another son is a student at the Ateret Cohanim yeshiva, preparing for third temple priesthood.⁶⁷

The cases detailed here are only three recent examples of attempts to take over or destroy the mosques on the Haram al Sharif. In these instances, as in other similar attempts against the mosques, the Israeli government has played a very dangerous game, with potentially disastrous consequences. While asserting its intention to protect the religious institutions of Christians and Muslims and to provide free access to the holy sites, it has failed to take effective measures against groups who advocate and attempt sabotage and the establishment of exclusive Jewish sovereignty over them. On the contrary, such groups and their actions are dismissed as marginal and insignificant, and despite their avowedly seditious intentions, are allowed to function freely and openly, and even to pray at the sites. On numerous occasions, the Supreme Islamic Council has protested the lack of adequate security, the lax and irreverent behavior of Israeli border guards on the site — all to no avail. In addition, since January 1984 most of Jerusalem’s Christian churches maintain a 24 hour watchman to guard against arson and Jewish terrorist attacks.

It is clear that the goal of Jewish sovereignty over the Haram al Sharif is inseparable from the Whole Land of Israel ideology. It is equally clear that advocates of the ideology working under various auspices have never been content simply to voice their aspirations without also formulating and carrying out concrete plans to achieve their goals. The history of Israeli policy in relation to these activists, however, has indicated that all governments have been unwilling, perhaps unable, to disavow the ideology and to dissociate themselves entirely from those interest groups which have always formed a crucial component of any Israeli government. The potential effects of this official vacillation and complicity on the future of this holy site are indeed disquieting.

* * *

Hebron (Khalil): Portrait of Settler Violence

The incidents of the various types of settler violence included in the five-year survey are not isolated, random occurrences. While individual victims are often random targets, the violent acts of settlers as a whole constitute a definite pattern reflecting settler designs for the occupied territories. The following overview of the history of settler violence in Hebron (Khalil), concentrating on the last five years, clearly illustrates the role of settler terror as a major component of a systematic program to realize settler goals of displacing Palestinians and establishing Jewish sovereignty. The program is

progressing with the acquiescence and active cooperation of the Israeli military authorities and "civil administration" in the occupied territories, and with high level support and blessings from every Israeli government since 1967 — Labor, Likud, and the present National Unity government.

For Muslims, Christians and Jews, Hebron (Khalil) is the City of the Patriarchs, the burial site of Abraham, Isaac and Jacob. Danny Rubinstein the West Bank correspondent for the Israeli daily *Davar*, has called it "the linch-pin of Israeli policy in the occupied territories." Eliyakim Haetzni (Qiryat Arba lawyer and settlement spokesman) maintains that "return to Hebron is the very gist of Zionism." For the late Fahd Kawasme, the city's Mayor elected in 1976 and deported by the Israeli authorities in 1980, it is the home to which he could not return, even after his assassination in Amman on December 29, 1984. The 150,000 Palestinians who have remained in Hebron (Khalil) live under a reign of settler terror which began in 1968.

Rabbi Moshe Levinger, who has led Jewish incursions into the city beginning with the sit-in at Fahd Kawasme's Park Hotel in 1968, claims that it was "most vital and natural to settle and build the city of the forefathers ... the promises of the seed and the land were given at Hebron." Yigal Allon, who called on the squatters in April of that year to give them his blessings, said, "It is incomprehensible that Jews will be forbidden to resettle in the ancient city of the forefathers."

And so they have settled, in a carefully planned and meticulously implemented process. Hebron (Khalil) and its surrounding villages and land have been the target of more incidents of settler violence than any area under occupation, including Jerusalem.

Through a strategy of illegal sit-ins and provocations throughout the 1970's, the Qiryat Arba settlers achieved further incursions into the Cave of the Patriarchs "to pray." By the mid-1970's, Levinger's people were already demanding the "Judaization" of Hebron's (Khalil) ancient Jewish Quarter. The Abraham, Our Forefather synagogue was rehabilitated and prayers were conducted in the synagogue and in the Beit Hadassah (Dab-boyya) building, contrary to the stipulations in their permit from the authorities. On numerous occasions they were evicted, but never for long. The contractor authorized to reconstruct the synagogue extended his work to other buildings, as the authorities turned a blind eye.

In March 1979, two Palestinian teenagers, a girl and a boy, were shot dead following a stone-throwing incident in the neighboring village of Halhoul. The Qiryat Arba resident accused of the crime was later acquitted.

On the night of April 27, thirty women and their children led by U.S. born Mariam Levinger, wife of the rabbi, occupied the Beit Hadassah (Dab-boyya) building. In the face of government proclamations that the settlement was unauthorized and that the squatters would be removed, the women remained. Eventually, the army provided water and a permanent guard.

In May, several Qiryat Arba residents went on a rampage through the streets of Hebron (Khalil), breaking into and vandalizing several homes and beating up the occupants. Two men found guilty of the attacks were given suspended sentences. One of them was Eli HaZeev. Settler provocations continued throughout the year.

On January 3, 1980, a soldier-yeshiva student, Yehoshua Sloma, was shot dead in the central Hebron (Khalil) market. The government responded

with a 10 day curfew on the city, during which Kahane followers and other Qiryat Arba settlers broke into homes, beating up residents. In March, the government approved a decision to "develop" the Jewish Quarter, evacuating the Palestinian residents, moving in a yeshiva and a museum, and taking over other buildings in the heart of the city. The maneuvers were conducted by then Agriculture Minister Ariel Sharon. Before the government's decision, an early March poll showed that about one-third of the Jewish Israeli population favored settlement in Hebron (Khalil), with just over one-half against. After the government decision, the percentage approving of settlement rose to over 45%.⁶⁴

The decision met with widespread, vociferous and militant opposition on the West Bank, expressed through demonstrations and a general strike. Response within Israeli society galvanized into two opposing camps, with Gush Emunim calling for a mass rally in the heart of the city to celebrate, countered by a protest rally proposed by the new ad-hoc Committee Against Settlement in Hebron.⁶⁵ Both demonstrations were stopped by government security forces, although the Committee Against Settlement managed to meet in solidarity with the Mayor and the City Council on the outskirts of town, and Jewish settlers organized a local demonstration at the Cave of the Patriarchs. Peace Now began a campaign to bring down the government, saying that "settlement in Hebron is the height of evil from the political and security viewpoints ... encompassing all the erroneous priorities of the government."

As tension mounted, security forces allowed Kahane militants to march through the city in late April, distributing leaflets in Arabic calling on residents to emigrate.

On May 2, 1980, six yeshiva students were killed in front of the Beit Hadassah building on their way home from Friday night prayers in the Cafe of the Patriarchs. One of the six was Eli HaZeev, the Qiryat Arba settler found guilty in the May 1979 attacks.

Defense Minister Ezer Weizman, who had built a reputation for a mild policy in the occupied territories (viewed as "weakness" by the settlers), reacted with the imposition of a 40 day curfew on the city, the demolition of sixteen shops opposite Beit Hadassah, the closing of the Jordan River bridges, and the deportation of Hebron (Khalil) Mayor Fahd Kawasme, Halhoul Mayor Mohammed Milhem, and the area's qadi (Muslim judge) R. Tamimi.

Throughout May, the tension mounted, with escalating repressive measures throughout the occupied territories. Commenting on the new "get tough" policy, Amos Elon stated, "The civil resistance (of Palestinians) spreading through the West Bank is not a consequence of laxity on the part of the security forces, but of the absence of a political solution ...". The Committee Against Settlement in Hebron, the Israeli Council for an Israeli-Palestinian Peace and other peace forces called for a recognition of the political nature of the conflict and the necessity to pursue policies permitting "coexistence." Nablus Mayor Bassam Shaka'a, who had faced the threat of deportation a year earlier, expressed similar sentiments, when asked whether he was afraid that he would also be deported: "I am afraid and anxious about coexistence between the two peoples in the area rather than about my own safety," adding that such coexistence would be possible only when Israel recognized the Palestinian people's right to self-

determination and agreed to the creation of an independent Palestinian state. But the settlers had other ideas. Three weeks later, his legs would get blown off as a bomb exploded in his car.

Throughout 1980, the settlers continued their escalation of violence, in night raids on homes and cars, demands for expulsions of Palestinians, and the activity of independently formed "settlement security committees." On December 4, the High Court of Justice rejected Kawasme and Milhem's petition, and the mayors were re-expelled.

In 1981, there were *twenty-two* reported incidents of settler violence in the Hebron (Khalil) area, most of them committed by the new settlers in the heart of the city. As Yehuda Litani reflected in March, following the Purim-eve destruction of a shop ceiling belonging to one of the Palestinians remaining in the ground floor of the Beit Hadassah building,

This is now the field of battle ... The fight, led as usual by Rabbi Moshe Levinger, is over every house in the old Jewish Quarter, over every shop. It is a contact battle, house to house ... the military government personnel have become supporting forces (putting up with all (the settlers') antics, with their daily disturbances.⁷⁰

In April, the High Court of Justice rejected the petition of the Hebron (Khalil) residents to expel the Beit Hadassah squatters, while admitting that the settlement had been "illegal." In May, as Palestinian families were evacuated from the area, Jewish families began moving in. It was, in the eyes of Eliahu Salpeter, writing in *Ha'aretz*, a "recipe for a pogrom ... Under the pressure of Rabbi Levinger, 32 Arab families were evacuated from their homes in the area of the Abraham, Our Forefather synagogue, as a continuation of the 'populating' of Beit Hadassah ... to turn over the houses to the Jewish settlers. Extreme, provocative Jewish elements were implanted into the dense Arab population and simply their presence guaranteed the increase in tension and the accumulation of hate ... People from Qiryat Arba amble around Hebron while armed, playing police, harassing the residents and degrading them ... As if the actions of the fanatics from Qiryat Arba and the Gush Emunim people were not enough, the military government allowed Meir Kahane to come to Hebron for a memorial ceremony ... to give another anti-Arab incitement speech. The provocations in the Cave of the Patriarchs increase and multiply ..."

In November, a Qiryat Arba resident, in response to the stabbing of a Jew, shot indiscriminately into a crowd, injuring three children. Central Commander Moshe Levy (now Chief of Staff) sent him a letter praising him for his courageous action. The houses of two suspects in the stabbing incident were destroyed, the house of a suspected accomplice was sealed, and a curfew was imposed on the city. Seven hundred elementary school children were expelled from the Usama Ben Munqeth School, which was turned over to the settlers and renamed Romano House.

In addition to almost daily provocations and harassments, there were fifteen reported incidents of serious settler violence in the Hebron (Khalil) area in 1982. The highlights included:

- February-March 1982: grenades are thrown at the house of the widow Sa'deah Al Bakri.⁷¹

- March 18: In neighboring Halhoul, Jawad Kashkish is killed by shots from a passing civilian car.

- March 19: Settlers assisting security forces in "demonstration dispersal," shot and injured seven people.

- March 26: Farhan Manasra, 17, is shot and killed by Avi Nir, again during “demonstration dispersal.” Nir refuses to cooperate in the police investigation.⁷²

- May 3: Meisun Abdel Mu’ti, a twelve year old girl from Al Arub Refugee Camp is killed by shots fired by a civilian onlooker.

- May 11: Qiryat Arba settlers attack the Islamic College, vandalizing buildings and furniture.

- October: Settlers raze several buildings in the center of town, unilaterally implementing a government decision.

- October 31: Grenades explode in Hussein School playground, injuring two boys.

- October 31: Settlers threaten the Al Arub Refugee Camp mukhtar’s life.

Also, in the Spring of 1982, several Peace Now members serving in the Hebron (Khalil) area lodged complaints of soldier brutality and harassment against local residents. Four privates and non-commissioned low-level officers were judged guilty by a military court in February 1983, for beating detainees during the period. The directives of a Colonel and a Lieutenant Colonel, which included instructions to shoot indiscriminately at solar heaters, beat detainees and smash their watches, were found to be blatantly illegal, but the two were not brought to trial. Chief of Staff Raphael Eitan’s orders, which included instructions to impose such collective punishments as economic sanctions and punishments of parents and mukhtars, as well as repeated arrests, freeing and re-arresting of suspects according to their own admissions in court, were found by the judges to be legal. Many instances of harassment, torture and beating during the period under question involved coordination with settlers.⁷³

In 1983, settler vigilante actions in Hebron (Khalil) and surrounding villages escalated considerably with over twenty-five incidents of violence reported — including house demolitions, land take-overs, kidnappings, raids on schools, bomb explosions, car smashings, and random shootings of youth.

Beginning in January, the Qiryat Arba local council launched a campaign of uprooting and sawing off electricity pylons serving an area near the town, also destroying a nearby house. Peace Now declared its intention to “guard the pylons,” but demonstrators were turned back at a military roadblock, as security forces had declared the area a “closed military zone.” On February 12, the day of Esther Ohana’s death from a head injury sustained by a stone thrown at the military vehicle in which she was riding through the main street in Dahariya village, Levinger was allowed to lead over 70 Qiryat Arba settlers to the village to pray, declaring through loudspeakers to the curfewed villagers that Jewish blood would not be spilled in vain.

On February 26, eight Qiryat Arba settlers celebrated Purim by firing into the house of Muhammed Nasser Jaabari, where all of his 14-member family were watching television. One bullet wounded his four year old daughter. Two days later, his twelve year old son was kidnapped by a uniformed settler and taken to Qiryat Arba. He was held in the custody of settlement guards and accused of having thrown snowballs at a settler’s jeep. The Hebron police chief ordered him released, declaring that it was not an offense to play in the snow. On the same day, settlers from El

Nakam settlement⁷⁴ fired shots at the car of a Yatta villager. The man was discouraged by police from pressing charges, because he could be charged with splashing water on the settlers as his car passed them on the road. On March 1, police safely defused a bomb in the car of a local construction merchant. Later in the month, two more youth were abducted by four armed settlers while in school, following a demonstration in the area. Later, the boys' families learned that they were being detained in the Hebron jail. Mustafa Natsche, acting Mayor of Hebron (Khalil), charged that "settlers are taking the law into their own hands, and the responsible authorities are not doing anything to prevent them from doing so."

On July 7, 1983, yeshiva student Aharon Gross, an American, was stabbed and killed in the center of Hebron (Khalil). The response by both the authorities and the settlers was swift. A curfew was imposed and Acting Mayor Mustafa Natshe and the City Council were removed, despite their condemnation of the murder. Among the charges against the Mayor, mentioned in a government press office release, was his petition to the High Court of Justice for a restraining order in the case of the destruction of the electricity pylons by the settlers.

Settler response was even more impressive. With the benefit of the military curfew, hundreds of Qiryat Arba and Hebron (Khalil) settlers rampaged through the night, destroying buildings and setting fire to the market area of the city. The senior commander of the reserve unit on duty that night to enforce the curfew, gave the following account in his statement to the police:

Everything was done openly and blatantly. The whole city was under curfew and the Arab citizens were shut up in their homes. We were standing, about seventy soldiers, on the outskirts of the market when three hundred settlers and yeshiva students pushed their way inside. We tried to block their path without success. They shoved the soldiers aside and began the mayhem. At one point I considered firing warning shots in the air but it would have been dangerous — almost all the rioters carried personal weapons and it seemed would not have hesitated to use them ... (They were) an inflamed mob, undeterred by the army and ready to strike down anything in its path. Once we realized what was happening, we moved aside and let them go to the stalls in the market place.⁷⁵

On January 31, 1983, six Qiryat Arba residents were charged in connection with the rioting. The six are free, awaiting a verdict.

On July 26, 1983, settlers later identified as members of the settler terrorist organization apprehended several months later, assaulted the Islamic College with machine guns and grenades, killing three and injuring scores of others.

Throughout the remainder of 1983 and into 1984, the harassments and violence of settlers against the Hebron (Khalil) residents continued — bomb and grenade attacks, vandalism, arson.

In April 1984, the Committee for the Development of Hebron (Khalil)'s Jewish Quarter, headed by Munqeth Livni, the number one defendant in the settler terrorist organization trial, unveiled its master plan. It called for settling 500 families, or 3,000 people, in Hebron (Khalil)'s center, in three linked sites — the Beit Hadassah (Dabboyya) building, Romano House (formerly Usama Ibn Mewqueth School), and the Arab Bus Station — in an apartheid residential scheme in relation to the Palestinian residents, many more of whom would have to be evacuated. Long-term plans called for linking the quarter to Qiryat Arba, one and a half kilometers from the town center. Commenting on the scheme, Tzvi Barel reflected:

The nerve and arrogance needed to think out such a plan shocks the observer. The trouble is in everything related to the visions, or should we say fantasies; of Rabbi Levinger and his gang who constitute the Committee for the Development of Hebron's Jewish Quarter, even crazy fantasies are achievable reality.⁷⁶

In early August, before the National Unity government was formed, caravans of settlers moved into the old Jewish cemetery area, in coordination with then Defense Minister Moshe Arens and settlement advisor Uri Bar-On. The Israeli Archaeological Department declared it an archaeological site off limits to builders, but the settlers were undeterred. Peace Now called it a "blackmail settlement." The Citizens Rights Movement party demonstrated against it. *Al Hamishmar* charged that, "The state of Israel is here conducting itself ... like a gang of insidious chauvinists invading a conquered city."

In February 1985, the settlers were still at the Tel Rumeida site and their numbers were expanding, while Knesset members debated whether it was an "authorized" settlement. On ending his sit-in outside Dehaishe Refugee Camp on February 18, Rabbi Levinger announced that he would concentrate his efforts within the Gush Emunim framework to set up a permanent settlement at Tel Rumeida. Two days later Levinger led an attempt to expand the nuclear settlement on the Abu Heikel family land. Palestinian women with broomsticks blocked their attempt. Only two months earlier, Levinger had attempted to buy the four acre plot, long a settler target, offering Abu Heikel about 2.5 million dollars and a travel visa to the United States. Abu Heikel, who has lived on the land with his family since the 1930's, does not want to sell. Settlers had also uprooted 50 of his almond trees and committed other acts of vandalism. The state has not fenced off the land to prevent planting or construction until the dispute is settled in court, but as the residents note, the only ones apparently not informed of the order, are the settlers, whose work continued apace.

In light of the history of settler terror in Hebron (Khalil), the future does not bode well for the Abu Heikel family.⁷⁷

* * *

The foregoing overview of settler violence during 1980-1984, described the physical effects of settler actions on Palestinian persons and property — the numbers of men, women and children killed, injured, and abducted; the destruction and damage to homes, schools, private businesses, and vehicles; damage and seizures of plots of land, the uprooting of trees, and the destruction of crops; the assaults on sites sacred to Christians and Muslims.

What is perhaps more devastating than the physical results is the psychological and social impact on Palestinians victimized by what can only be seen as a systematic and planned strategy by settlers to terrorize the Palestinian population. Under this reign of terror, most Palestinians nonetheless have stood firm in their homes and on their land. Yet underlying this public stance of steadfastness, Palestinians fear that in the end they have no effective recourse against the settlers' campaign, conducted in coordination with the government, to displace them in their homeland. Their fear is not baseless.

Most Palestinian victims have used and continue to use whatever means they have to resist the campaign. Most threats to their land are challenged in the courts. And despite a justified fear of revenge, some victims do file com-

plaints with the police in cases of physical injury. But even official Israeli sources have confirmed that Palestinian victims can expect few results through legal channels. The Arab expression “If the judge be my oppressor, to whom can I turn for justice?” would seem to have no answer for the one and a half million Palestinians deprived of basic individual and collective rights under the Israeli military occupation.

Acting Mayor Mustafa Natshe commented in March 1983 that

the settlers are acting as a state within a state, without any attempts on the part of the authorities to stop them. In fact it is possible that they coordinate activities in order to implement the same policy: forcing the Palestinian residents to emigrate in order to replace them with Jewish settlers.¹¹

Since his statement, the government has taken some steps apparently designed to curb settler actions. The following chapters of this report examine these official steps, as well as unofficial public opposition to the settler campaign, and evaluates their impact.

¹¹Despite censorship, the Palestinian press sources probably contain the most complete record of incidents, since reporters are retained in all areas of the occupied territories, filing information on occurrences in their locality on a daily basis. In contrast, Israeli newspapers usually have at most only one “West Bank” or “territories” reporter who must rely to a considerable degree on secondary and official sources, in addition to the Palestinian press. On other hand, access to official sources provides the Israeli reporters with better information about the investigation and disposition of cases. Since the charge could be made that the Palestinian press would be biased toward exaggerating details of incidents and would lack official access channels, I have included only incidents which are confirmed by at least one Israeli source.

¹²In a few cases, bodies have been found with no direct evidence of the murderers, so I have included only cases in which the circumstantial evidence points with a high degree of certainty to settlers.

¹³Repeated harassment or reports on a series of incidents in one area, where details concerning time, victims and damaged are not specified, are counted as one incident.

¹⁴The principal sources for press reports were mostly compilations from several newspapers, since most papers do not have indexed archives. The sources included:

- *Arab Studies Society Newspaper Archives*, 1980-1982 (including all Palestinian dailies in Arabic, *Ha'aretz* in Hebrew, and *The Jerusalem Post*).

- *Al Fajr Jerusalem-Palestinian Weekly*, 1980-1984.

- *Al Fajr “The Dawn” Daily press briefs*, 1983-84.

- Ghassan Abdallah, *Events in the Occupied Territories*, 1983 (In Arabic, based on the Palestinian press).

- *Israleft*, 1980-1984 (biweekly English translations from the Israeli press).

- *I&P Political Reports*, 19801-1984 (including Occupation Watch and Reports from the Occupied Territories).

- *HaOlam ZaZeh*, May 5, 1984: A List of 138 Incidents of settler violence from 1979 through April 1984.

These sources were cross-referenced with other sources of affidavits and analysis, including

- *The Karp Report*

- Dedi Zucker's *Report on Human Rights in the Occupied Territories*

- Affidavits, case files and interviews with attorneys at Law in the Service of Man (Ramallah), Felicia Langer, and Leah Tzemel.

- *New Outlook*: 1979-1984.

- International Center for Peace in the Middle East, *Israeli Press Briefs*: 1983-1984.

¹⁵Reporting artifacts — such as increased willingness of victims to report, more thorough coverage by the press, and increased Israeli interest — may account for a small percentage of this increase. But since there has been no substantial change in either legal processes or press coverage techniques, it can be assumed that the increase in reported incidents represents a comparable increase in actual occurrences.

- ³⁶Cf. Tzvi Barel, "Where have the guns gone?" *Ha'aretz* (September 11, 1983). Translated in *Al Fajr Jerusalem-Palestinian Weekly*, (September 23, 1983), p. 10.
- ³⁷In some cases, a decomposed body was found, or the cause of death was not specified in the press.
- ³⁸As reported in several Israeli dailies, and confirmed in private conversation with one West Bank reporter.
- ³⁹See *Israleft* 203: 4-5; Zucker, *op. cit.*, and Karp, *op. cit.*
- ⁴⁰See account by Yehuda Litani, *Ha'aretz* (March 26, 1982) p. 15. Also translated in *Israleft* 203:5-6).
- ⁴¹Arabic, hand-written affidavit, received from his attorney, Felicia Langer.
- ⁴²Statement to Law in the Service of Man, reprinted in *Israleft* 205-206 (May 20, 1982).
- ⁴³*Al Fajr Jerusalem-Palestinian Weekly*, March 1, 1985, p. 3.
- ⁴⁴Quoted by Yehuda Litani, *op. cit.*
- ⁴⁵On the implications of this order, see Tzvi Barel, "To catch a stonethrower," *Ha'aretz* (November 25, 1983). Translated in *Al Fajr Jerusalem-Palestinian Weekly*, (December 9, 1983), p. 10.
- ⁴⁶*Israleft* 222: 7.
- ⁴⁷For examples of the West Bank-Gaza Settlement Council statements, see *Israleft* 214: 5; 215: 8; and 224: 2.
- ⁴⁸Karp, *op. cit.*, p. 14-15.
- ⁴⁹Law in the Service of Man. *Human Rights Violations in the West Bank: In Their Own Words*. Geneva: Commission of the Churches on International Affairs, 1983, p. 16-17.
- ⁵⁰For most details of this story, see Justin Hyde, "Samed: A farmer from al-Jib fights a settlement," *Al Fajr Jerusalem-Palestinian Weekly* (January 25, 1985), p. 8-9.
- ⁵¹*Jerusalem Post*, March 5, 1980, p. 3. For other accounts of the eviction see *Israleft* 166 (March 15, 1980).
- ⁵²*Israleft* 239: 1.
- ⁵³For more information on the Christian Jerusalem Temple Mount Foundation, see Grace Halsell, "Shrine Under Siege," *The Link* Vol. 17, No. 3 (August/September 1984). Published by Americans for Middle East Understanding.
- ⁵⁴See list of assaults in "Special Report: Target: Temple Mount," *Jerusalem Post*, September 30, 1983; and Halsell, *ibid.*
- ⁵⁵*op. cit.*, note 51, also Sol Stern, "The Neo-Conning of the Jews." *The Village Voice*, September 4, 1984.
- ⁵⁶*Ha'aretz* (August 18, 1980) p. 1-2.
- ⁵⁷See *Israleft* 173: 7-8; and *I&P Reports*, September 1980.
- ⁵⁸*The Jerusalem Post* (July 21, 1980), and *Israel & Palestine* (August 1980).
- ⁵⁹The story was first exposed in *I&P Reports* June 1980 and later confirmed in Israeli and international press.
- ⁶⁰This assault, and the accompanying murders and injuries, was not included in the five year survey tabulations, since Goodman was not actually a settler in the occupied territories, and was on leave from basic army training at the time of the attack. The Israeli government's handling of the event, however, illustrates features relevant to this report.
- ⁶¹*Jerusalem Post* April 19, 1982.
- ⁶²*Ibid.*
- ⁶³*Al Fajr Jerusalem-Palestinian Weekly* (April 8, 1983).
- ⁶⁴*Ha'aretz*, September 21, 1983), p. 10.
- ⁶⁵Halsell, *op. cit.*, p. 5, 12. A quarter-page ad appeared in *The Jerusalem Post*, calling for the release of the terrorists.
- ⁶⁶*Israleft*, 232: 9.
- ⁶⁷*Israleft*, 247: 3.
- ⁶⁸Poll taken in early March, 1980 by the PORI Institute, *Ha'aretz* March 16, 1980); also poll by *Modi'in Ezrahi* (or *The Jerusalem Post*) (March 23, 1980).
- ⁶⁹The Committee Against Settlement in Hebron, a coalition of leftist groups and individuals holding an unconditional position against the occupation and settlements in the occupied territories, is the immediate forerunner to the Committee of Solidarity with Bir Zeit University, discussed below.
- ⁷⁰Yehuda Litani, "The Dark Side of Hadassah House." *Ha'aretz* (March 27, 1981).
- ⁷¹Sa-deah al Bakri's story was related in detail in the preceding discussion on attacks against land and homes.
- ⁷²The case of Avi Nir was discussed above under the discussion on killings.
- ⁷³The verdict in this trial is discussed in *Israleft* 222. An interesting sidelight of the trial is that the judges found that the testimony of some of the Peace Now officers against the accused was "unreliable" and even "false."
- ⁷⁴El Nakam ("The First") settlement was found by the Kach movement. Many instances of settler violence have been attributed to members of the settlement which was eventually dismantled by the authorities.
- ⁷⁵Quoted in *Koterit Rashit* (August 3, 1983).
- ⁷⁶*Ha'aretz* (April 27, 1984). Translated in *Al Fajr Jerusalem-Palestinian Weekly* (May 11, 1984), p. 8.
- ⁷⁷Except where otherwise indicated, this section is based on a compilation from the daily press used in the five year survey and the following articles: Yehuda Litani, "The story of Kiryat Arba," *New Outlook* Vol. 19 #7 (170) (November 1976), p. 12-14; Meir Merhav, "Coexistence," *Hebron style*, "New Outlook Vol. 22 #5 (192) (July/August, 1979), p. 14-16; and "Anatomy of a tragedy," insert in the May issue of *New Outlook* Vol. 23 #4 (199) (May 1980).
- ⁷⁸*Al Fajr Jerusalem-Palestinian Weekly* (March 18, 1983), Page C of special insert of material censored from the paper published in Jerusalem.

Chapter Three

Responses to Settler Terror

The preceding survey noted that settlers are generally free to carry out their open and concerted campaign of terror with relative impunity. They enjoy almost complete freedom from prosecution or even investigation of flagrant violations of the law, involving destructive and violent deeds including murder. In fact, through various court judgments, military orders, and official policy decisions, their creation of facts on the ground is almost invariably legitimized, their vigilante actions rewarded, and their most fantastic schemes realized.

THE KARP COMMISSION OF INQUIRY

On April 29, 1981, Israel's Attorney General appointed a special inquiry team, amidst increasing criticism within Israel of the government's apparent inability or unwillingness to curb settler violence and to apprehend suspects in any of the major terrorist actions against Palestinians in the occupied territories.

The specific impetus for the establishment of what became known as "the Karp Commission" after its chairperson, Deputy Attorney General Yehudit Karp, was a letter of concern addressed to Attorney General Yitzhak Zamir from a group of fourteen Hebrew University and Tel Aviv University law professors. Written in July 1980, the letter cited several incidents involving settlers which were in their opinion unsatisfactorily handled by the appropriate military authorities and civilian police. The professors emphasized the deleterious impact of the organization of settlers into regional defense units, which had led in their view to the dangerous and unprecedented use of the army for the political ends of one ideological group. The letter also called attention to the high percentage of offenses by settlers which were not investigated, and to the refusal by the settlers to cooperate with police investigations. It noted their success in circumventing the military governor's orders, in league with a governmental lobby which involved at least two ministers.

The inquiry commission established eight months later included the District Attorney of Jerusalem and representatives from the military and police investigative branches in the occupied territories, in addition to Yehudit Karp, representing the Attorney General's office. The team set as

its main tasks to investigate suspicions of settler violence, to coordinate among the appropriate military and civilian bodies, and to establish proper investigative and legal procedures.

The portion of the Commission's final report finally made public on February 7, 1984 — 21 months after its completion — is the only public, official Israeli document dealing with Israeli violence in the occupied territories. In laborious and legalistic terms, it paints a dismal picture of the state of law enforcement and justice in the occupied territories, posing severe questions concerning the functioning of the dual military-civilian investigative and legal systems.

The bulk of the report focuses on a random sample of fifteen cases in which investigations were deemed faulty or inadequate. By the Commission's own estimate based on the seventy cases brought to the Commission's attention between March 1981 and March 1982, the sample represents close to 80% of cases in which Palestinians have lodged a formal complaint. The offenses include armed threats, assaults, property damage and murder. The report cites disturbing instances in which there was little or no follow-up on complaints, even when Israeli military personnel were eye-witnesses, lax coordination between police and military government officers, and refusal of settlers to cooperate with police investigations — behavior supported by a formal directive from at least one military commander, and characterized by the Commission as "civil rebellion."

In answer to police accusations that Palestinians failed to make formal complaints, the Commission concluded that, in addition to fear of self-incrimination in incidents of stone-throwing and riot, there was substance to victims' fear of revenge by settlers and to their sense of alienation from the authorities derived from drawing conclusions from a lack of results in previous complaints. In any case, the Commission noted, the severity of many incidents warranted police investigation even in the absence of formal complaints.

The Commission also dismissed the police claim that common constraints, such as a lack of trained personnel, orders of priority, language difficulties, and "a hostile Arab population," constituted the central problem, which could be corrected by technical adjustments and increased manpower and resources. The Commission countered that deficiencies in police performance

are but a symptom of a much deeper problem (pervading) all levels of police and law enforcement processes in the occupied territories (which should) be discussed in political circles without delay, in order to find an urgent solution to this situation, and to establish an approved government policy to be instituted by all government authorities ... The key lies not in the technical monitoring of investigations, nor in criteria for investigative techniques, nor in the legal angle — but rather in a radical reform of the basic concept of the rule of law in its broadest and most profound sense."

The Commission completed its report in May 1982. In April 1983 Yehudit Karp resigned in protest at the government's neglect of the report which she claimed had been "gathering dust for a year now," while in her opinion the situation in the occupied territories had steadily worsened. In her resignation letter, Karp charged that "it was impossible to erect buffers between Israel and the territories where applying the law was concerned, when everyone agreed that the Green Line no longer existed."⁸⁰

Following her resignation, the Inquiry Commission all but ceased to func-

tion, providing no coordination or supervision of investigations, as incidents involving killings, injuries, and assaults on Palestinians continued to mount with no one being arrested or brought to trial.

When the report was finally presented to the cabinet for discussion in February 1984, most ministers had still not bothered to read it, although many were quick to condemn it. Interior Minister Yosef Burg, whose ministry supervised the police, claimed that the report was biased and reflected Karp's political views. Justice Minister Nissim attached to the released report a list of unsolved crimes by Arabs against Jews. And the ministerial committee policy statement adopted by the cabinet proclaimed that the law in the occupied territories applied equally to Jews and Arabs — a statement patently contradicted by the dual legal system applied to the two populations. The West Bank-Gaza Settlement Council and their supporters in the Knesset sharply criticized the report as containing "distortion of facts, generalizations, lies and discrimination," charged Ms. Karp personally with political bias, and called for her dismissal from her position as Deputy Attorney General.

Commenting on the public furor, *Al Hamishmar* editorialized that "the attempt to harm Yehudit Karp is no more than an attempt to 'adjust' law enforcement for the political ends of the rulers who try to shelter law offenders — the Jews in the West Bank. Consequently, Israel is a short way from being turned from a state with law into a state where the ruler (i.e., the settlers) decides the law."⁸¹

To date, no steps toward the radical reform proposed by the Commission have been initiated on any governmental level. The only changes in law enforcement procedures in the occupied territories were those directed at Palestinians. These included the allocation of additional police personnel for criminal investigations, increased border guard brigades, and the institution of stiffer penalties — of up to 10 or 20 years imprisonment — for stone-throwing.

Despite the lack of official policy changes, however, developments in the early part of 1984 suggested a possible shift in the unofficial policy of total impunity for vigilante actions by settlers.

On January 31, six Qiryat Arba settlers were charged with rioting and burning the Hebron (Khalil) market area in July 1983, following the murder of a yeshiva student. Zeev Friedman and Moshe Rosenthal, who were accused of destroying explosives probably connected to the 1980 attack on the Mayors, received suspended sentences on February 28 for obstructing justice.

As the controversy over the Karp Report raged, four Kach members, all new American immigrants, who called themselves the "Shlomo Ben Yosef Brigade of TNT (Hebrew acronym for Terror Against Terror)," were quickly arrested following their machine gun attack on an Arab bus near Ramallah on March 4, 1984, in which 7 passengers were wounded. At about the same time, police revealed the identities of the suspects in the January 27 assault on the Haram al Sharif — members of the "Lifta" or Bnei Yehuda gang discussed earlier. *Ha'aretz* described them as "born again Jews, fanatics, drug traders with a history of criminal convictions."⁸²

Commenting on the Israeli response to the arrest of these two groups, B. Michael satirized:

Reality, thank God, has given a slap on the face to all the slanderers and mud-slingers. All the detractors who rushed to spread their poison and accusations against Israeli society, that it was from within the society itself that the rotten fruits of terrorism grew, now stand humiliated in the face of the clear evidence that the terrorists are ... not from among us at all ... It is now perfectly clear that only pure chance is what brought them to attack precisely the Arabs, and precisely the Temple Mount ... After all, they are just eccentrics-messianics-tourists-criminals. And such people are capable of anything.⁹³

The April arrests of the Ein Kerem group, charged with a series of attacks on Christian and Muslim sites a few months earlier only confirmed this impression.

But in the midst of the relief and self-congratulation, and just a week after Zvi Shiloah (a former Knesset Member of the Tehiya party and a founder of the Whole Land of Israel Movement) had proclaimed that the existence of an organized terror underground and hostile acts by settlers were merely left-wing fabrications, the round-up of suspects in the April 26 attempt to bomb six Palestinian buses hit the headlines.

THE SETTLER TERRORIST ORGANIZATION: ARRESTS AND TRIAL

The arrest of twenty-five members of a suspected Jewish terrorist organization in April, 1984, on the eve of an attempted mass murder of Palestinians by the planting of bombs under six East Jerusalem buses, sent shock waves throughout Israeli society. The release of the suspects' names in mid-June confirmed rampant speculation and leaks to the press of the organization's connections with the leadership of Gush Emunim settlements in the occupied territories.

In addition to the charged suspects, other leading Gush Emunim figures such as Rabbi Moshe Levinger and Eliezar Waldman — both of whom have sons-in-law among the defendants — were also detained for questioning. All the suspects are Orthodox Jews living in or having strong connections with Gush Emunim settlements in the Golan Heights and the West Bank. Most are of Ashkenazi (western world Jewish) origin, the sons of observant families, who attended high school yeshivas and were active in Bnei Akiva, the National Religious Party youth movement. Most studied at one point or another at the Merkaz haRav Yeshiva, under the spiritual father of Gush Emunim, Rabbi Tzvi Yehuda Kook. Others were active from the first days of settlement in the occupied territories, including the establishment of Qiryat Arba, Hebron Jewish Quarter, the Golan settlements, and Ofra. All served in the Israeli army, many of them in elite combat units.

The top leaders of the terrorist organizations are or were also part of the top leadership of Gush Emunim — including Menahem Livni, the Head of the Committee for Renewal of Jewish Settlement in Hebron; Natan Natan-son, secretary general of Gush Emunim (whose 1982 murder of a Sinjil village youth was discussed earlier); Yehuda Etzion, a founder of Ofra and former member of the Gush Emunim secretariat; and Benzion Heineman, who planned the sit-in at Hebron's Park Hotel with Rabbi Levinger in 1968. On the face of it, indeed some of Israel's "finest boys" and "loyal sons," as they were called by top government officials, were in fact the terrorists.

The twenty-five were charged in connection with five incidents in addition to the buses sabotage:

- the assassination attempts on the West Bank Mayors, June 2, 1980.
- the machine-gun and grenade attack on the Islamic College in Hebron (Khalil), July 26, 1983, in which three people were killed and at least

another 30 injured.

- the planting of grenades near the Sheikh El Rashad Mosque in Hebron (Khalil) on December 29, 1983.
- the planting of grenades at the Hussein School football field in Hebron (Khalil) on October 12, 1982, in which two youth were injured.
- a plot to blow up the Dome of the Rock and al Aqsa mosque.

The conviction of Gilad Peli, from Qeshet settlement in the Golan Heights, for the first time officially confirmed the existence of a terrorist organization, based on his confession in a plea bargaining arrangement with the authorities. On June 21, 1984, Peli was sentenced to imprisonment of ten years on charges of joining the organization in 1980 and on other charges related to his part in the assassination attempt on the Mayors, stealing and dismantling army explosives and transporting 50 mines later used to manufacture the bombs for the buses attack. Earlier, on June 7, 1984, Noam Yinon, also a Qeshet settler, was sentenced to 18 months imprisonment with 18 months suspended, for his part in transporting the 50 mines — a sentence the State said it would appeal, charging that it was “too light.” A third defendant — Yousef Zuria of Ramat haSharon, pleaded guilty on June 14, 1984, to conspiracy to sabotage the Dome of the Rock, illegal possession of arms, and aggravated fraud.

Avinoam Katrieli, a 23 year old living in the Ramot settlement and attending a yeshiva in Jerusalem's Old City, was released March 3, 1985, after serving only a few months, following a plea bargaining in which charges of membership in a terrorist organization were dropped. Katrieli had posed as an army officer to buy a silencer for an Uzi and to obtain special ammunition, as part of the plot to destroy the Dome of the Rock and al Aqsa mosque. He was charged with conspiracy and illegal possession of arms.

With plea bargaining underway in the spring of 1985 to reduce charges, the top three defendants were sentenced in mid-April 1985. Dan Be'eri was sentenced to serve three actual years of imprisonment; Yossi Edri, 25 months, and Uri Maier 30 months. Moshe Zar, still on trial, was released to his home in Qarnei Shomran, for health reasons.

By Spring, 1985, altogether seven of the defendants had plea bargained to reduce charges and other negotiations were in progress.

In a separate but related trial, two officers of the military government on the West Bank, Shlomo Livyatan and Captain Aharon Gila, were charged with causing grievous bodily harm, dereliction of duty and failure to prevent a crime, for their cooperation in the assassination attempt on Mayor Ibrahim Tawil, in which the Druse policeman, Suleiman Hirbawi, was blinded as he attempted to dismantle the explosive attached to Tawil's garage door. Livyatan was also charged with attempted murder and with supplying information on the other Mayors' movements, knowing that attacks were being planned.

Confessions from the defendants, including a detailed statement by Yehuda Etzion, the number two defendant, and other information released during the early trial proceedings, provide a clear picture of the organization's operations and goals.

The organization had been in existence at least since 1978 for the sole purpose of carrying out terror attacks which would sabotage the peace process between Egypt and Israel, as well as to curb the activity of the National Guidance Committee whose success at galvanizing Palestinian national sen-

timents threatened to prepare the ground for some form of Palestinian autonomy in the West Bank and Gaza Strip.

The testimony of Yehuda Etzion further revealed that while the organization had clear political and pragmatic goals, its underlying ideological motive had a fundamental religio-nationalist, even Messianic, character. In his testimony to the police, he declared:

About four years ago I began to reflect on the necessity of purging the Temple Mount from the hold of Islam, because I regard that mission as a pivot and a banner on the road of the State of Israel toward complete redemption. I view our taking of this action as the only means by which the State of Israel will eventually become the proper Kingdom of Israel as is fitting and as was promised.

He decided to join the operation against the Mayors, "the chiefs of the murderers of Judea-Samaria," he says, "out of an overpowering sense that this was a matter of life and death." He termed the action "an operation of revenge," not simply in retaliation against the killing of six yeshiva students in Hebron (Khalil) one month earlier, but more crucially, against the Palestinian leadership whose actions were posing a threat to the "redemptive plan" for the territories. His description of the attack on the Islamic College also indicated a political intent within his "redemptive" vision, with implications far beyond immediate retaliation for the killing of Aharon Gross earlier in the same month. The yeshiva student's death simply served as an impetus for actions conceived as part of an overall plan of terror aimed at creating a new Deir Yassin, to force mass Palestinian emigration, thus purging the Land of Gentiles.

His testimony clearly demonstrates the interweaving of political-security motives with religio-nationalistic rationales, or as Danny Rubinstein called them, "two souls at play in the organization of this underground terrorist group." The plot to blow up the mosques on the Haram al Sharif perhaps best illustrates these two interconnecting backdrops. The attack was originally planned for Spring 1982, its aim being "not only to make a breakthrough toward Messianic redemption and the building of the temple, but to spark a flare-up between the Arab countries and Israel that would stop the withdrawal from Sinai and Yamit, which stood to take place at that time."⁴⁴ In the end, practical considerations saved the mosques; their calculations of the explosive power needed to destroy the mosques indicated that the Western Wall (believed to be the last remains of the second temple) would also have been damaged.

Whole Land of Israel and Gush Emunim advocates, together with some less partisan analysts, attempted to distinguish the terrorists' methods and aims from the mainstream political ideology and practice of the settlement movement. Pinchas Inbari, for example, claimed that "the Messianic spirit, in this murderous form, is alien to many if not most of the settlers."⁴⁵

Within Gush Emunim circles a debate indeed raged over the propriety of the terrorist actions. For the most part, however, condemnation of the murderous acts and intentions did not center on ethical or even legal aspects of the crime, but rather on whether they constituted "a rebellion against the kingdom of Israel." Gush Emunim ideology, guided by a Messianic interpretation of Jewish religious law, rests on a logic according to which the settlement enterprise in "the Land of Israel" is considered a forerunner of the redemption. In this scheme, the only points of dispute are whether murder, forced expulsion or genocide of Gentiles are acceptable means to achieve

the desired purification of the Land, and whether the government of the State of Israel is properly fulfilling its role in relation to the Kingdom of Israel.

On the one hand, Rabbi Yisrael Ariel (the rabbi implicated in the assault on al Aqsa mosque by “the Temple Mount 29” in March 1983), for example, supported the underground on the basis that the government of Israel was not fulfilling the conditions necessary to be called the authority of the Kingdom in the halachic sense. On the other hand, Rabbi Yoel Bin Nun, while accepting the distinction between “government,” “State,” and “Kingdom,” argued that “The State is the basis and the government is the authority for waging war against the enemies of Israel,” and it is not for private groups or individuals to wage their private wars or to question whether the State of Israel and its government constitutes the Kingdom. Rabbi Yehoshua Zuckerman of Merkaz haRav Yeshiva, a signatory of the Whole Land of Israel Manifesto of 1967 and a religious leader of Gush Emunim, goes further in his criticism of the terrorist organization in his reference to the Palestinians: “The problem of the minorities is a difficult one,” he says, “and it must be given our most serious attention, just as we deal with any other human question ... And we must be able to set our minds to clarify the issue of whether the Arabs who stand against us are a great number of individuals *en masse*, or whether *they are a people* — with all that this entails for the rules of War.” Pinchas Inbari views this statement as particularly significant, constituting perhaps “the first reference to the subject by a religious teacher of Gush Emunim which gives rise to the notion that the Arabs in the territories not only are human beings and not ‘drugged cockroaches,’ (as former Chief of Staff Raphael Eitan called them) but a people in every sense of the word!”⁸⁶

Not surprisingly, some religious leaders mixed religious and political arguments in response to the terrorist organization. Former Ashkenazi Chief Rabbi Goren, who as noted earlier has no problem with establishing Jewish presence on the Haram al Sharif, issued an equivocal declaration to the effect that while no one can decide on matters of life and death without the proper authority, he can nonetheless “sympathize” with those who defend the Jewish underground, because the Jews in the occupied territories were not adequately protected by Israeli security forces.

Political leaders issued similarly equivocal responses. MK Yuval Ne’eman (formerly Minister of Science and Technology under the Likud government) declared that the defendants are not terrorists, but simply “an unauthorized organization for defensive activity” formed in response to the failure of government security. On pragmatic grounds, he called their attack on the mayor “positive”, since it paralysed “the major instigators of Judea and Samaria without killing anyone.” Such operations were contrasted with other actions of “blind terror and murder of innocent people,” which the former Minister felt should not be condoned. Then-Prime Minister Yitzhak Shamir, in an interview in *The Washington Post* on May 8, stated simply that it was “the duty of the government not to permit unauthorized military activity by Jews, and we fulfilled our duty.” And in an Independence Day declaration in Jerusalem, he was also quick to urge that the “faults” of individuals should not be held against “a large group of settlers, pioneers, and fighters.”⁸⁷

The public and political debate in Israeli circles strongly resembled the

religious debate over “rebellion against the Kingdom,” dressed in secular language. Likud-man Zeev Chafets, for example, urged that the line between “law and chaos, right and wrong” be drawn, and characterized the organization and their supporters, not as criminals or terrorists, but rather as “enemies of the Jewish state, of the Jewish people, and of the Jewish way of life.”⁸⁸ President Chaim Herzog called them “traitors,” and even MK Hanan Porat (a staunch Gush Emunim supporter not above unauthorized settlement attempts) criticized their actions as undermining the authority of the State. Israel Eldad, another Whole Land of Israel ideologue, called their actions criminal and foolish, but certainly not “hostile” to the State. Inasmuch as their actions derived from love for the State, he questioned why the security forces who infiltrated their ranks had not warned them, rather than seeking to entrap them.

Many top political officials voiced their widely held public sentiment which condemned their false Messianism, but excused or at least found some reason to understand their actions as taking the law in their own hands in self-defense. The public debate became so fixated on the question of whether they should or should not have taken the law in their hands, that several critics felt they had to remind the public of what the terrorists had done and planned. Amos Kenan asked in a frustrated outrage, “What law, whose law, where’s the law? We are not talking about taking the law into their hands. We are talking about mass murder, of masses of innocent citizens.”⁸⁹ Amos Elon noted simply, “They did not take the law into their hands; they took bombs.”⁹⁰

Some critics suggested that the public debate should move beyond the actions themselves to address the ideological and political atmosphere fostering both the terrorism itself and its placid acceptance and support by so many Israelis. *Ha’aretz* reporter Tzvi Barel, for example, reflected that “The acts and their perpetrators will be judged, of course, according to the law. These are the only known tools for punishing terrorists. But these are not the tools for judging an ideology and certainly not the connection between ideology and action. This verdict places responsibility on the ideologists and those that brought it to where it is.”⁹¹

Others pointed to the link between government policy and the emergence of Jewish terrorism. Yehoshafat Harkabi (former head of Military Intelligence), for example, saw the organization’s use of terror as a political instrument to drive out Arabs as “the logical, rational conclusion of the policy that aims at annexation.”⁹² Roy Isacowitz, writing in the *Jerusalem Post*, similarly placed the blame on the occupation and settlement policy as “the natural breeding ground for terror” and as a “cancer” which “began to grow when we first decided that our rights were greater than those of the inhabitants of the territories.

It spread with each underhanded land deal, each questionable expropriation, each instance in which we twisted the law to favor Jewish settlers ... When the government debases the law by treating Arabs and Jews on the West Bank unequally, how can it expect the settlers — not to mention the rest of the population — to have any respect for the Law? ... We have refused to acknowledge the brutalizing effect the occupation has had on us, and how it has been manifested in almost every aspect of our daily lives.”⁹³

Tom Segev, citing examples of police, civil administration and settler violence against Palestinians as well as against Jews who protest occupation policy, concludes that they all reflect a single mentality. He suggests that the

“original sin” was the (Labor) government allowing Levinger and his followers to settle in Hebron (Khalil) in 1968: “There were those who foresaw it right after the Six Day War: the norms of occupation, including the systematic violation of human rights, will not stop at the Green Line: the territories will annex the state.”⁹⁴

The arrests of the terrorists sparked widespread analysis and discussion of the relation of such an organization to Israeli society itself. But did the arrests signal a fundamental re-evaluation of either ideology or the occupation itself on the official level? And if not, why did the government take steps to stop the organization’s activity?

Prime Minister Shamir’s own explanation — that it was the duty of the government not to permit unauthorized military activity by Jews — suggests at least a partial answer. Analyzing the government’s action in purely tactical terms, Uri Avneri (editor of the Israeli paper *Hadashot*) notes that two conditions are necessary for the successful functioning of an underground: “a sympathetic public which cooperates both passively and actively” with it and a “sympathetic regime, which spreads its wings over it.” Begin, whom Avneri calls “the armchair ideologist of terror (since he never participated in terror actions of the Irgun, but only planned them),” considered the underground “loyal sons,” and did not want to halt their activity. Shamir, on the other hand, was a professional and experienced terrorist and intelligence man, and thus understood the main danger of such a group — “that it must, sooner or later, turn against the legal government and overthrow it.”⁹⁵

In addition to his concerns to maintain the legitimate government of the state, Shamir was also concerned to preserve his political career. Political opinion polls and the July 1984 election itself pointed to the growing political strength of the extreme right-wing, mainly at the expense of the Likud coalition, headed by Shamir. Leaving an unrestrained activist extreme to achieve “successes on the ground” far beyond what Shamir and his Likud colleagues were willing to sanction themselves, would undoubtedly increase the strength of the extreme right, and endanger Shamir’s own political standing.

Shamir’s decision to stop the terrorists’ activities cited simply “government duty,” and judiciously avoided any criticism of the ultimate political aims of the organization. In a statement before the July elections, he evaded a direct response to a question concerning a possible amnesty for the defendants, saying only that it was too early to discuss it. In May Shamir met with Gush Emunim leaders, after which the two parties issued a joint communique referring to the erring ones who had followed a “mistaken” path in their failure to recognize that “preservation of security” is the exclusive purview of the government.

It is not at all clear, however, that Shamir’s tightrope walk bore the desired fruit. While only a minority of the public is willing to give open and unequivocal support to the terrorists’ actions and intentions — such support is clearly against Israeli law — a disturbingly high percentage expressed sympathy with and understanding for their actions. Widespread forms of indirect support for the defendants — for their families, the trial expenses, and public relations — proliferated. The Committee for the Defense of the Underground Settlers and other ad hoc groups quickly raised thousands of dollars for legal defense and family maintenance costs. The Committee for

Defense, in fact, is housed in the National Religious Party headquarters where it carries on regular fund-raising activities and public relations efforts.⁹⁵

A PORI poll published in the summer of 1984 before the elections indicated that one in every seven Israeli Jews totally justifies the setting up of the terrorist underground in the occupied territories, while another 17.5% believes there is a certain justification for its existence. Thus, one-third of the public at that time justified murder of Palestinians at least under the appropriate circumstances. The majority of the poll's respondents supporting the Tehiya-Tzomet, National Religious and other religious parties, in addition to Kach, justified the existence of the underground. It was these parties which won support from the Likud bloc, preventing Shamir from forming a government.

In the newly elected Knesset, a support committee was also formed. Carefully avoiding illegal expression of direct support, it proclaimed concern for the proper treatment of the defendants, including comfortable yeshiva-like prison conditions, special kosher provisions, home leaves for family-related and religious occasions, and other privileges, under the rationale that the terrorists were not ordinary criminals. The committee garnered fifty declared supporters — over 40% of the 120 member Knesset.

From the very beginning of the trial, the treatment of the prisoners and the atmosphere surrounding the trial proceedings conveyed the impression that the defendants were special. Reporters described the scene in the Jerusalem District Court during the early trial proceedings as a "carnival atmosphere." Nadav Shrager, writing for *Ha'aretz*, reported that,

A stranger entering by chance would have had trouble telling (the defendants) apart from the some 150 other persons who filled every available corner of the courtroom. They left and entered the room freely. Anyone who wanted could also go down to the courthouse lobby to use the pay phone ... One of the suspects ... walked out into the courtyard. He returned with a crate full of goodies: wafers, oranges and soft drinks ... The defendants are on a first-name basis with the police and security agents present. In the courtroom itself, the Jewish underground prisoners occupy the front benches. Many of their wives sit next to them. Friends stand around, leaning against the wall in all corners of the room, dedicatedly passing notes. The reporter goes on to describe public relations activities openly carried on in the courtroom, while the prisoners moved about the building freely, praying, looking at evidence to be presented to the judge, reading from the Bible. And a policeman replies to a reporter's naive question: 'Escape? Them? They're like my brother.'"⁹⁶

Shortly after the defendants were apprehended and held in the Russian Compound jail in Jerusalem, a crowd of about 2,000 settlers and Gush Emunim supporters were joined by ministerial and governmental figures outside the compound for a rally ostensibly commemorating the 1980 attack in Hebron (Khalil) in which six yeshiva students were killed. In one speech, Deputy Knesset Speaker Meir Cohen-Avidor told the crowd, "We have to tear out the eyes and guts of the Arabs." Placards calling for revenge ("blood for blood"), and declaring support for the defendants held inside the compound, were openly displayed, alongside other placards listing the names of liberal Knesset members and lawyers known for their defense of Palestinian human and civil rights, asking them, "What do you have to say to the families with dead children? Moshe Levinger has the answer." Despite the clearly inciting speeches and placards, police on duty made no arrests.⁹⁸

In a later incident, after the defendants were moved to the Tel Monde Minimum Security Prison, a delegation of Mapam and Citizens Rights Movement parties visited the prison, with the intention of investigating reported special conditions for the defendants. They were met outside the prison by several supporters of Meir Kahane, who attacked, threatened and insulted the Knesset members for over an hour, before police finally arrived on the scene, and arrested the Kahane group leaders.⁹⁹

To maintain its credibility, the government had to enforce at least the letter of its own law against public support for a terrorist organization (originally promulgated to prosecute Palestinians inside the Green Line who express support for the PLO). Thus, the blatantly racist incitement and congratulations for "a job well done" by the Russian language *Nes* publication brought an immediate closure order and subsequent investigation. But in treading a thin line between control of a potential threat to its own sovereignty and the risk of offending a large, vocal and activist public, the government seems unwilling to do more.

Whatever the outcome of the remaining defendants' trial, two things are clear. First, those apprehended in the April 1984 round-up represent only a fraction of activist elements among the settlers who agree with the basic goals of the terrorist organization and who can be expected to continue their campaign of political pressure and direct action in pursuit of their Messianic and nationalist designs. Second, the trial itself will be unable to effect "the major surgery" some feel is required to "remove this tumor from the nation's body politic."¹⁰⁰

⁹⁹Karp Report, *op. cit.*, p. 10 of concluding section.

¹⁰⁰As quoted by Gideon Allon, *Ha'aretz*, December 23, 1983.

¹¹As quoted by Awad Abdel Fattah, "Israeli reactions to the Karp Committee Report," *Al Fajr Jerusalem-Palestinian Weekly* (February 22, 1984), p. 7.

¹²*Ha'aretz* (March 7, 1984), p. 1.

¹³B. Michael, *Ha'aretz* (March 11, 1984) p. 7.

¹⁴Danny Rubinstein, *Davar* (June 19, 1984).

¹⁵Pinchas Inbari, "Underground: political background and psychological atmosphere," *New Outlook* (June/July 1984) p. 10.

¹⁶*Ibid.*, p. 10-11.

¹⁷*Ha'aretz* (May 10, 1984), p. 1.

¹⁸*Jerusalem Post* (June 1, 1984).

¹⁹*Yediot Aharonot* (May 9, 1984), p. 11.

²⁰*Ha'aretz* (May 18, 1984).

²¹*Ha'aretz* (May 4, 1984), p. 15.

²²*Ha'aretz* (May 11, 1984).

²³*Jerusalem Post* (May 3, 1984), p. 8.

²⁴*Koteret Rashit* (May 16, 1984).

²⁵*HaOlamHaZeh* (May 9, 1984) p. 7-8.

²⁶For a description of some of their activities, see B. Michael, *Hadashot* (December 14, 1984); and on other support, see *Israelfit* 251.

²⁷Nadav Shragai, *Ha'aretz*, (June 12, 1984), p. 1.

²⁸*Jerusalem Post* (May 23, 1984). Also present in the crowd were students from the Birkat Avraham Yeshiva, who had attacked Fatmeh Abu Mayaleh. A telegram was also read from Rabbi Moshe Tendler, a Talmud professor at Yeshiva University in the United States, in which he quoted from the Talmud the saying, "He who rises up to slay you, rise up earlier to slay him."

²⁹See one account in *Davar* (September 5, 1984), p. 3.

³⁰Victor Cygielman, "Roots of Jewish Terror," *New Outlook* (June/July 1984), p. 13-15.

Chapter Four

Roots of Jewish Terror: Israelis Ask, ‘What has become of us?’

The exposure of the settler terrorist organization and the shocking displays of support for their actions produced a surge of critical analysis and self-examination as Israelis struggled to understand the phenomenon and its significance. The election of Meir Kahane to the Knesset and his blatantly racist campaign for expulsion of Palestinians on both sides of the Green Line, added to the alarming realization that the territories were indeed annexing the state. It was a state that some, at least, were finding hard to identify with. What had gone wrong? they asked. Was it possible to change before it was too late?

Their inquiries brought into sharp relief the long-standing concerns and debates about the nature of the Israeli state and its 18 year occupation of Arab lands and people outside its 1949 borders. Advocates of radically opposed positions nonetheless agreed that how Israelis would eventually choose to resolve certain crucial issues would determine not only the status of the Palestinian land and people under occupation, but the very future of the modern state of Israel itself.

The magnitude of the deep divisions over these central issues is indicated by suggestions from within the ranks of both camps, that a civil war may be necessary, perhaps inevitable, to determine the state's future.

On one side, Qiryat Arba resident Eliakim Ha'etzni (writer, lawyer and leading spokesman for Gush Emunim and the West Bank settlers) warned before the July 1984 general elections that

A State of Israel that relinquishes sovereignty in Judea and Samaria (the West Bank) will do so in its name alone ... in the name of a political entity which, by that very act, will already have become estranged from the heritage of the Jewish people and will have cut itself off from its role of emissary of the Jewish people ... The Jews in YESHA (Hebrew acronym for the West Bank-Gaza Settlement Council, which also means 'salvation') will not be bound by such an act of alienation and disavowal ... No one will be able to prevent the Jews of YESHA from remaining in their places in the abandoned and betrayed Land of Israel, or from rallying their fellow-Jews from all corners of the earth and from that dwarf State (Israel within its 1949 borders) contiguous to them ... Thus, we can expect an all-out war in YESHA.

Warning of "terrible deeds, graver by far than anything attributed to the (settler terrorist organization currently on trial)" if a government would negotiate a return of the occupied territories to any Arab sovereignty, Jor-

danian or Palestinian, he called for an immediate public debate in which the implications of such a step would be clarified. "This kind of public clarification might also serve as a warning sign to the people of Zion so that they will refrain at the last moment from taking the fatal step into the abyss of divisiveness, alienation and the rending in two of the people of Israel."¹⁰¹

On the other side, Professor Yeshayahu Leibowitz, a religious Jew who has been an outspoken critic of the occupation since "the seventh day," views the state as the secular arena within which the conflict of values should be fought. While he considers no war justified, he says that at least some wars are comprehensible, and that to allow those who advocate continued occupation to have their way without a fight is to lend a hand to their "criminality." "Why is a war fought against an external enemy comprehensible and deemed necessary," he asks, "while a war against an internal enemy is ruled out?"¹⁰²

Between these two positions, Israelis, secular and religious, left-wing and right-wing, are grappling with a variety of formulations, proposals and strategies which they hope will avert a violent and self-destructive resolution. Their concerns revolve around three themes: Messianic nationalism, occupation and settlement policies, and anti-democratic trends within Israeli society which provide a rearguard of support and justification for Jewish terror against Palestinians.

Responses to Messianic Nationalism

The religious fundamentalism wedded to fanatic nationalism in Gush Emunim ideology and practice undoubtedly constitutes the principal driving force and well-spring for most settler terror. The roots of many terrorists, their inciters and their supporters can indeed be traced to what has been described as the "redemptionist climate" of the many yeshivas in Jerusalem and the occupied territories "where a near Sabbatean atmosphere ... reigned, one of 'Messianism' and divinification of the Land, sanctification of violence and a mystification of force."

In the Jerusalem Merkaz haRav Yeshiva, where the tone was set by Rabbi Tzvi Yehuda Kook (spiritual father of Gush Emunim who died in 1982), a generation of zealots, "a new Jewish man," was raised " 'a Savonarola in a knitted skullcap, wrapped in a prayer shawl and armed with a Kalashnikov; nationalistic, callously trampling down the watermelon beds of the Arabs of Samaria and uprooting the vineyards of Hebron,' all the while trailing clouds of purity and specious words; " 'the immaculate divine soul,' convinced that he is 'the crown of creation, the very acme of spirituality and soulfulness than which there is no higher.' "¹⁰³ The story of settler violence in the occupied territories is in large part a living testimony of the redemptive vision of this "new Jewish man."

While the Israeli religious establishment has done little or nothing to counter this vision,¹⁰⁴ not all observant Jews concur with the ideology and methods of Gush Emunim and other extremist groups. Neturei Karta (Guardians of the Gate), for example, whose Jerusalem-area constituency is largely concentrated in the Mea Shearim quarter, rejects the state of Israel as a "blasphemy" and the whole concept of any establishment of Jewish sovereignty over any part of the Land of Israel until the coming of the Messiah. They consider themselves Palestinian Jews who have always had good relations with the Palestinian Arabs, and they have asked that Mea

Shearim be annexed to any future PLO-headed Palestinian state.

Agudat Israel is also a non-Zionist orthodox group which has nonetheless compromised to the point of participating in the State's government. It does not, however, consider that the establishment of a Jewish state is a religious requirement, or that it is a religious duty for Israel to maintain sovereignty over the occupied territories. Its self-interested political motivations for maintaining its place in coalition governments, however, effectively thwart its potential to mount any public opposition to government policy in this regard.

The most persistent opposition to the occupation and to Gush Emunim ideology from a religious perspective has been voiced by one man, Professor Yeshayahu Leibowitz, who from June 1967 warned that occupation equals corruption and that such an occupation would lead to the destruction of Israel as the secular state of the Jewish people. Professor Leibowitz's position rests on a convincing argument for the separation of religion and state. He maintains that the state itself has no intrinsic value, but only an instrumental value in serving the needs of the individual and the nation, and that attributing intrinsic value to the state, on religious or secular grounds is "the essence of the fascist approach." Every state of the Jewish nation (which he defines as the people bound by Torah and Nitzvot crystallized in the *Halachah*) — except for the Messianic-Utopian state — must be secular. "The state of Israel was established in 1948 ... as a state of secular character ... and it will continue perforce to be of secular character — until a spiritual and social metamorphosis of revolutionary dimensions overtakes the people who live in it."

In his view, religion can only become the educational and influential force it should be by becoming a truly independent force with an essentially critical stand toward the state. He considers the "national religious" symbiosis represented in the Whole Land of Israel and Gush Emunim positions an "absurdity" and divinization of state, nation, and land "idolatry." "We have no right to connect the establishment of this state of Israel with religious concepts of Messianic redemption," he says, "Holiness only exists in keeping the Torah and observing the Mitzvot."¹⁰⁵

Only in the late 1970's did any organized opposition to the Whole Land of Israel and Gush Emunim political interpretations of religious law and doctrine emerge from within the religious Zionist community. Even then, it represented at best, a marginal, minority position within that community.

The Oz ve Shalom (Strength and Peace) movement drew its supporters from the rabbinical teachers and the rank and file of the National Religious Party, which also provided the core of Gush Emunim. The movement does not question the interpretation that the *Halachah* requires every Jew to live in the Land of Israel, not to go into exile voluntarily, and to build up and defend the Land. But it takes exception to the centrality of Jewish rule over the Whole Land of Israel in Gush Emunim doctrine, stressing that Israel, as a Jewish state, must be faithful to Torah values and principles, especially peace, justice, and the sanctity of every human life. Not subscribing to any particular religious interpretation or political perspective, the organization's avowed purpose is to foster religious debate, a debate which nevertheless accepts the authority of the *Halachah* and seeks "to discern the meaning of rabbinical teaching for our own lives" and "on the crucial issues facing Israeli society today."¹⁰⁶

In addition to several scholarly seminars and publications on theological and religious issues, Oz ve Shalom has voiced its opposition to both settler violence and governmental abuse of power, in the form of telegrams, public statements and dialogues with Palestinians. Together with another religious peace movement, Netivot Shalom (Paths of Peace), for example, they distributed leaflets in Hebrew, Arabic and English in the Old City of Jerusalem, following Meir Kahane's Kach movement's rampage through the Old City in July 1984. The leaflets, entitled "A Message of Brotherhood and Peace," stated that Kahane does not represent the Torah and Jewish tradition, and pledged that the two groups would fight "against any and all schemes calling for deportation of, or discrimination against, the Arabs in Israel and in the territories." Similar statements condemning violence and religio-political fanaticism were issued following incidents in Hebron (Khalil), and after an attempt to break into the Haram al Sharif area. The group has also taken a general position against Jewish settlement in high Palestinian population areas, and for territorial compromise in exchange for peace.

The second religious Zionist peace group, Netivot Shalom, emerged in the wake of the Lebanon War. Its founders were graduates of the hesder yeshivas (academies of young men who study Torah while serving in the Israeli army), many of whom had previously been attracted to Gush Emunim and the Whole Land of Israel ideology, but, in light of their experience in the Lebanon War, began to fear that the realization of the ideology was exacting an unacceptably high price in lives. Their political-educational movement is dedicated to "Torah, Zionism, and Peace."

Drawing its membership from a wider religious and political spectrum than that of Oz ve Shalom, its positions on crucial issues are less crystallized and express a less defined consensus. The two groups work in close cooperation, however, and often jointly sponsor events and statements.

While both groups realize the importance of responding to current events and taking public, principled stands on crucial issues, they both conceive their primary purpose in educational terms within the religious community itself. On these terms, their efforts are courageous and welcome phenomena. Still, it must be cautioned that their position represents a minority voice within religious Zionist circles, and it is doubtful that their prolific and determined efforts will succeed in yielding any appreciable shift in the dominant trend of religio-political fundamentalism or in the expressions of violent Messianism within the religious Zionist circles.

The problem they confront is inherent in the logic of that interpretation of halachic thought that views political realities — namely, the establishment of Jewish sovereignty and settlement in the Land of Israel — as the empirical expression of the Messianic age.

Professor Uriel Tal, in a perceptive and carefully reasoned article on "The Foundations of Political Messianism in Israel," examines the totalitarian logic guiding the major rabbinical interpreters, including Rabbi Tzvi Yehuda Kook, who view the state of Israel as the embodiment of the Kingdom of Israel. According to his view, "The Zionist creativity, the military victories on the holy soil, the blood shed in this land and for this land, all these are interpreted as evidence of cosmical ... dimensions of the metaphysical time that the empirical reality is going through." Wars are interpreted as part of the "refinement and sublimation of the Jewish people,"

who, having conquered the lands, must now concentrate on conquering “uncleanness” within the individual and within the Land. Since the Land of Israel is considered to be totally sacred, it cannot be delivered to “the gentiles,” and Jews are commanded to kill those nations, the descendants of the seven tribes of Amalek — which some religious leaders consider to be the present day Palestinians — to rescue the land from their hands.

Even the moderate position subscribing to this worldview would maintain that the rights of non-Jews must be restricted. They would be allowed to remain in the Land only in the status of “aliens” or “strangers.” But in the logic of political Messianism, ultimately there is no room at all for strangers. Rabbi Shlomo Aviner, for example, concedes that it may not be a politically auspicious time to talk about deportation, but in his view the command to conquer the Land is above the moral human considerations about the national rights of the Gentiles to “our country.” Indeed, he says, Israel has been instructed to “be holy, but not to be moral, and the general principles of morality, which are customary for all mankind do not bind the people of Israel, because it has been chosen to be above them.”

The most extreme position regarding “the strangers” is that of advocating genocide, a position taken by Rabbi Israel Hess, who views such a step as fulfilling the commandment to “annihilate the memory of Amalek.”

According to Professor Tal, people who advocate these positions “are not a bunch of crazy prophets who have gone out of their minds, or an extremist marginal minority group ... (They advocate positions consistent with) a dogmatic system and a regular theory that leads necessarily to a policy that cannot tolerate the idea of human and civil rights” for non-Jews. In structural terms, the system constitutes a comprehensive, totalitarian worldview, familiar to us in the movements of political Messianism of the twentieth century, which seeks to purify

the country from everything alien, from every uncleanness, a purification that is so comprehensive and total, that it absorbs also the personal self-purification of the individual, and just as the purified land is redeemed from the foreigners, so is the purified personality redeemed from alienation. The political ecstasy, paradoxically, is conceived as a way by which the settler not only cultivates his country but also his mind, and the whole reality in which we live is a reality of liberation from existential alienation within the Zionist enterprise, that is carried out in practice in the concrete political reality.¹⁰⁷

The religious peace movement’s opposition to this formidable system would appear to be inadequate. Professor Ephraim Urbach, for example, maintains that he disagrees with Gush Emunim and the Whole Land of Israel Movement, but “as long as we remain in the realm of ideas I regard their viewpoint as legitimate in the context of an open democratic society.”¹⁰⁸ The problem, however, is that the political Messianism represented in Gush Emunim has hardly confined itself to the realm of idea. It does not tolerate legitimate debate, nor does it have any interest in democracy. Adherents view themselves as living in the Kingdom of Israel or YESHA, whose laws have nothing to do with democracy. As put by Rabbi Yisrael Ariel, “The Land of Israel, the people of Israel and the State of Israel ... are sanctified concepts of supreme value. Let us not sanctify concepts that came to us from the world of secular thought ... ‘Democracy’ was a sacred concept for the Hellenes; but for the Jews — not necessarily.”¹⁰⁹ On numerous occasions, Meir Kahane has declared that a “Jewish state” and “democracy” do not go together.

While Oz ve Shalom and Netivot Shalom have responded to the more extreme conclusions of political Messianism, they have not presented a fundamental critique of the basic premises of its totalitarian worldview. The argument of the two groups for the protection of human and civil rights of Palestinians in the occupied territories and within the state's borders, in fact rests on the halachic injunctions concerning the fair treatment of "strangers in the Land." It is a standard entirely consonant with the tenets of the Messianic worldview, and one that does not provide an adequate basis for coexistence between two people.

Secularists like Gershon Schoken (editor and owner of *Ha'aretz*) and religious thinkers like Professor Leibowitz, have challenged the use of categories like "strangers in the Land," in discussions of political import within a modern, democratic state.¹¹⁰ But the self-declared religious peace movements have not declared where they are living — in the Kingdom of Israel or in a democratic state — and they cannot have it both ways. In the absence of a principled and unequivocal position against the basic premises of political messianism, it is doubtful that these movements can mount a successful campaign against the most extreme conclusions of the totalitarian logic.

¹⁰¹Eliakim Ha'etzni, *Nekuda* (settlements newsletter) (July 6, 1984). Translated in *ICPME Israeli Press Briefs* 28: 2-3.

¹⁰²Interview with Professor Yeshayahu Leibowitz in *Hadashot* (February 8, 1985), p. 15.

¹⁰³Amos Elon, internal quotations from Haim Be'er, in *Ha'aretz* (June 1, 1984). Translated in *ICPME Israeli Press Briefs* 26: 3.

¹⁰⁴The indifference of the rabbinical establishment toward brutality against Palestinians, its fundamentalism, and general lack of moral leadership have been subject to much criticism within Israeli religious and secular circles. See, e.g., David Krivine, *Jerusalem Post*, (November 30, 1984).

¹⁰⁵Yeshayahu Leibowitz, "State and religion," *Tradition* 12 (Winter/Spring, 1972): 5-24.

¹⁰⁶Note that the group calls Israel "the Jewish state" as opposed to "the state of the Jews," and subscribes to an application of *Halachah* to political issues in a way which does not clearly separate religion and state. This contrasts sharply with the position of Professor Leibowitz.

¹⁰⁷Uriel Tal, *Ha'aretz* (September 26, 1984), translated by Professor Israel Shahak in one of his newsletters entitled, "Collection: The ideology of the Jewish religious fanaticism and the opposition to it."

¹⁰⁸From the text of a speech by Prof. Ephraim Urbach at a seminar in Jerusalem on the settler terrorist organization, sponsored by Netivot Shalom, translated in *ICPME Israeli Press Briefs* 26: 12-13.

¹⁰⁹*ICPME Israeli Press Briefs* 29: 24.

¹¹⁰Gershon Schoken's remarks were printed in *Ha'aretz* (October 19, 1984).

Chapter Five

Photo Essay: Two Populations on the West Bank: Separate and Unequal Under the Law and Practice

*(Right) Levinger and friends at
Joseph's Tomb in Nablus.*

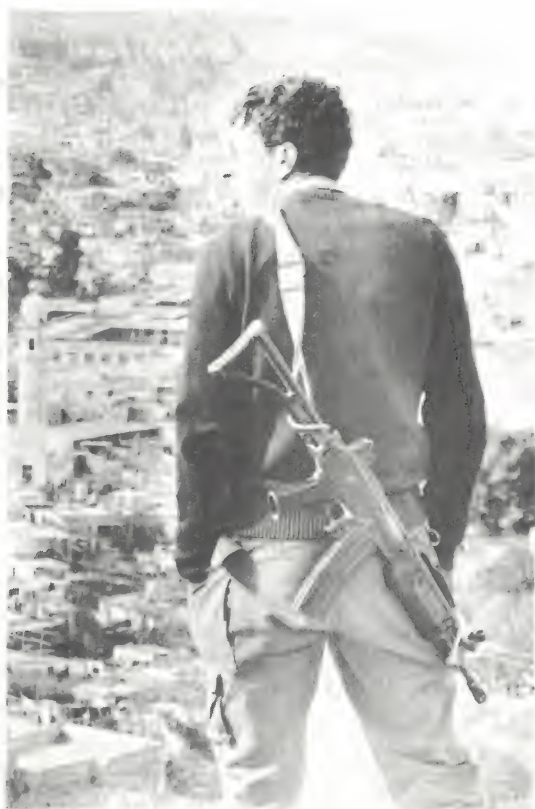
*(Below) Rounding-up of local
residents following killing of soldier
in February 1985, in Ramallah.*



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unless otherwise noted.

*(Right) Settler on an outing,
overlooking Dehaishe Refugee
Camp.*

*(Below) Rounding-up of local
residents following killing of soldier
in February 1985, in Ramallah.*



Rabbi Levinger and Deheishe Refugee Camp: Contrasting Military Treatment of Palestinians and Jewish Settlers (1985).



(Left) Rabbi Levinger standing next to Israeli army jeep, during his sit-in next to Dehaishe Refugee Camp.

(Below) Sealed entrance to Dehaishe Refugee Camp. Israeli soldier with gun in foreground.





(Above) Settler across the street from Dehaishe Refugee Camp during Levinger's sit-in. He is looking at a sign in Hebrew which says: "The people of Israel lives, even if the Goyim think otherwise!"



(Right) Settlers out for a stroll, with baby and machine gun.



(Above) Settlers on an outing, overlooking Dehaishe Refugee Camp.

(Below) Settler with gun standing by car damaged during demonstrations outside the camp.



(Right) Jewish settler and Palestinian argue over land grab at al-Jib, where the new settlement of Giv-at Ze'ev is encroaching on surrounding lands.

(Below) Al-Jib farmer Khaleifeh defending his land with bulldozer. Givat Ze'ev settlement in background.



(December 1984; photo by Joost R. Hiltermann)



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*Where Settlements Turned the
Corner: Hebron - El Khalil*



(Left) "Jewish Hebron Settlers Gift Shop" next to Ibrahimia Mosque in Hebron (Khalil).

(Below) USAMA Ben Monqeth School in the heart of Hebron.

(Spring 1985; photo by Joost R. Hiltermann)



(Spring 1985; photo by Joost R. Hiltermann)



(Left) Fatmeh Abu Mayaleh, 65 years old, victim of yeshiva students' attack in her Old City home. Picture taken in Makassad Hospital after 6 hour operation.

(Below) Religious Jews demanding the right to pray on the Haram al Sharif ("Temple Mount"). (Third man back from sign is Meir Kahane).



All Photo Credits: Anat Saragusti for HaOlam HaZeh Newsmagazine, unless otherwise noted.

Chapter Six

Opposition to the Occupation and Settlements

This report has included a number of Israeli critics who see settler violence toward Palestinians as an inevitable result of the occupation and settlements. Some critics focus on the placement of settlements in the heart of Palestinian population areas as the principal evil. Indeed, the shift of settlement policy from a security zone emphasis (with the exception of Jerusalem) in areas of lower population concentrations toward the areas around the Palestinian cities of Nablus, Ramallah, Bethlehem and Hebron (Khalil) is correlated with an increase in violent incidents. This policy has not only placed greater numbers of settlers in closer proximity to Palestinian cities and villages, but it has also entailed greater expropriation of choice farmlands and the displacement of Palestinians from their land and their homes, aggravating the conflict and escalating the spiral of violent confrontations.

But even before this shift in the mid-1970's, the stated policy of security placements, coupled with concessions to historic rights claims entailed violation of Palestinian collective and individual rights to their land, while the vanguard of the settlement movement always adhered to an ideology and practiced methods of violence directed against Palestinian persons and property. Displacement of Palestinians and denial of their rights have been inseparable from the occupation and the establishment of Jewish settlements in the occupied territories.

Other Israeli critics have focused on the government's occupation policy of military government over the Palestinian residents as setting the example and creating the atmosphere within which Jewish settlers have operated, under the protective umbrella of Israeli law extended exclusively to them in an apartheid-like system. Some of these critics have concluded that land expropriation, settlement and infrastructure placements, and economic interdependence have progressed to the point that the process is "irreversible."¹¹ In other words, "the facts on the ground" have produced a virtual *de facto* annexation of the occupied territories. Many who concur with this assessment advocate the extension of full or partial civil rights under Israeli law to the Palestinian residents, as well as social and economic programs to correct the deliberate underdevelopment of the Palestinian sector. Others, reserving judgment on the reversibility of the process,

nonetheless maintain that some legal and economic steps should be taken to alleviate the most oppressive practices until a political solution can be found. Noteworthy in this regard are the efforts of the Citizens Rights Movement Party, which has issued a series of reports on human rights violations, legal and economic discrimination, and curtailment of political freedoms, which it suggests could be alleviated by some immediate steps by the government.¹¹²

In terms of the question of human and civil rights, the occupied territories present many Israelis with a real dilemma. Preservation of a "Jewish state" and retention of the occupied territories as the historic right of the Jewish people simply cannot persist without depriving Palestinians of basic rights. But extending full civil rights to the Palestinians now under occupation would mean an eventual non-Jewish majority within the supposed Jewish state — an option even more unsatisfactory to most Israeli Jews.

Consistent critics of the occupation — including supporters of the Democratic Front for Peace and Equality (Rakah) and the new Progressive List for Peace, as well as extraparliamentary organizations like the Solidarity Committee and the Israeli Council for Israeli-Palestinian Peace — maintain that "the facts on the ground" can and must be reversed, enabling Palestinians to exercise their national right to self-determination in a state existing in peace next to Israel, under their chosen leadership (the PLO), in all of the West Bank and Gaza Strip territories occupied in 1967 including East Jerusalem. But such a position has never been held by more than about 2% of the Israeli Jewish public.¹¹³

Others who recognize the unacceptability of the present arrangement, adopt various compromise or conditional positions, explicitly or implicitly admitting that Palestinian individual and national rights will continue to be curtailed.

The extraparliamentary organization that has been able to garner the largest number of Israelis expressing some form of opposition to the occupation and to settlement policy is Peace Now. The movement's position paper on settlements contains many positive points, touching indirectly on the issue of settler violence. The pamphlet notes that the expropriation of Palestinian land "constitutes an abuse of the principles of both Israeli and international law" and that the "economic and psychological encirclement of the local inhabitants ... cannot promote coexistence." It states that "the evolution of a dual legal system ... effectively creates an apartheid-like system." And it further claims that settlements "cannot be justified as a strategic or military necessity," but in fact "constitute a security risk."¹¹⁴

In another general position paper, the movement more directly addresses the question of settler violence by noting that "the continuing rule over another people inevitably leads to acts which violate universal and Jewish ethics." It attacks the Whole Land of Israel ideology as the source driving Israel toward *de facto* annexation of the occupied territories, "which maintains that only one people can be sovereign in the land of Israel and which perceives the Arab-Israel conflict as a head-on clash with no room for compromise." In Peace Now's view, "The settlement of 100,000 Jews on the West Bank (as called for in a 1983 government plan) would turn this chauvinistic philosophy into a self-fulfilling prophecy; the conflict would intensify as each side fought for absolute control. The exposure of a Jewish terrorist organization has highlighted in dreadful detail the dangers inherent

in such an approach, which deliberately ignores the presence of over 1.3 million Arabs in this region.”¹¹⁵

In summary, the movement maintains that continued occupation and settlement “entails forfeiting the possibility of political agreements with Israel’s Arab neighbors ...” and “will perpetuate that Arab-Israel conflict for generations to come.” Two key slogans summarize the Peace Now position: “The task of halting settlement and annexation has become a matter of sheer survival.” And “Peace is greater than Greater Israel.”¹¹⁶

Not content simply to publicize these conclusions, the movement leadership has met with Palestinians and has organized some demonstrations in the occupied territories directed against government settlement policy and at least indirectly against settler violence. In Spring 1982, movement leaders talked with Palestinians who had witnessed the incident in which Natan Natanson shot and killed a youth and wounded two others (cited above) in an unsuccessful attempt to convince them to testify. In early 1983, a delegation met with the widow Al Bakri (whose story was related earlier) and demonstrated against the repeated grenade attacks at her home by Qiryat Arba residents. As noted earlier, also in 1983, the movement declared its intention to guard the electricity pylons in Hebron (Khalil) against settler destruction. Later in the year, the movement held its largest demonstration in the occupied territories following the July settler rampage and market burning in Hebron (Khalil). In an impressive crowd of about 5,000 Peace Now supporters, the movement called for an end to settlement in the midst of Palestinian population centers.

Recently, while the movement has concentrated its mobilization efforts on promoting an immediate withdrawal of Israeli troops from Lebanon, other groups representing part of Peace Now’s constituency — like the Citizens Rights Movement and Mapam Parties — have focused on settler developments in the occupied territories. Examples were the counter-demonstrations and delegations sent to Dehaishe Refugee Camp during Rabbi Levinger’s three-and-a-half month sit-in there.

What strikes the reader of Peace Now publications is the extensive focus on the effects of occupation and settlement policy on Israel and the Jewish people. *De facto* annexation of the occupied territories is opposed as leading to the “destruction of the Jewish and democratic character of the State.” *De jure* annexation “would mean the demise of Zionism in another sense, (by turning Israel into a bi-national state).” Settlements are opposed for necessarily leading to stagnation and deterioration of important Jewish settlements within Israel and for diverting funds from critical social welfare services. Violation of international laws and conventions threatens to isolate Israel internationally, severely harming Israel’s image and public standing as a law-abiding democratic state.

Insofar as Peace Now is a public interest group concerned with influencing Israeli public opinion and policy toward positions it deems essential for Israel’s survival, this self-centered focus is understandable. And indeed, Peace Now makes a sane, reasonable and convincing argument for an end to occupation and settlements, and for immediate changes to safeguard the rights of residents in the occupied territories until a territorial compromise can be achieved.

But insofar as it intends to be a peace movement, its concentration on internal Israeli and Jewish concerns leads to severe limitations. Its guidelines

for peace negotiations, for example, advocate the principle of territorial partition, and the necessity of both sides to speak the language of mutual accommodation, rather than the rhetoric of historic rights. But while all peoples in the region must recognize "Israel's rights to a sovereign existence within secure and mutually acceptable boundaries," Israel is asked only to recognize "the right of the Palestinian people to a national existence, which will be realized in a manner to be agreed upon by the parties concerned." Israel's security must be assured, but no mention is made about Palestinian security (or for that matter, the security of other Arab states in the region).¹¹⁷

While this asymmetrical formulation succeeds in uniting a broad spectrum of the Israeli public — but even then not at all representing a majority — it falls short of articulating the basic conditions of a just peace between two equal peoples realizing full human and national rights. Mustafa Natshe while addressing a meeting sponsored by the International Center for Peace in the Middle East (an institute whose consensus position is close to that of Peace Now) on "The effects of the occupation on the Jewish people," criticized the center for not focusing on the effects of the occupation on the Palestinian people.¹¹⁸ It is a criticism that can equally be leveled at Peace Now. Peace, after all, is a relationship between two peoples, and demands a solution fulfilling the basic individual and national rights of both peoples.

The framework which has succeeded to inform a working coalition of those organizations and individuals in Israeli society who do advocate such a principled and unconditional peace formula, is that of the Committees. The basic elements of the coalition first organized as the Committee Against Settlement in Hebron (discussed earlier), later forming the Committee in Solidarity With BirZeit University. This Committee also formed the core of the Committee Against the War in Lebanon, which held the first demonstration against the war three weeks after the initial invasion. Most recently, the Committee has turned its attention to solidarity actions with Dehaishe Refugee Camp. Through these many incarnations, the core group of activists representing different political persuasions has been able to mobilize demonstrations, educational campaigns, press conferences and other actions and statements on issues symbolizing or embodying the key components of the Israeli-Palestinian conflict.

What distinguishes the Committee's approach is its principled, unconditional stand on conditions for peace, articulated in a way that acknowledges Israeli concerns for peace and preservation of democracy, while also expressing solidarity among the Palestinian people in their own struggle against the occupation and for self-determination. Committee planning and activities always involve consultation and coordination with a Palestinian partner, in a division of labor appropriate to the different capabilities and responsibilities of the two parties. One example is the organization of a press conference for Israeli and foreign press in which Israeli parties articulate their positions and concerns, while Palestinian parties are provided a forum in which they can speak for themselves. Another is the action of helping Dehaishe Refugee Camp residents build a new access road (after the occupation forces had sealed off the main entrances to the camp as collective punishment for stone-throwing), in a graphic demonstration of support which was requested by the residents themselves. Its position statements

against manifestations of settler violence always link the specific issue — e.g., withdrawal of weapons from settlers — with the struggle for a peaceful solution based on ending the occupation and creating a Palestinian state next to Israel.¹¹⁹

The Committee's position recently came under severe attack from some Israeli "dovish" circles, over the release of its statement following the murder of two Israelis near the Cremisan Monastery by a resident of Dehaishe Refugee Camp. The statement condemned the tragedy, but also called on Israelis to refrain from hiking in the occupied territories, "because these territories are not theirs." The response of the Committee's spokesperson to the charge that the statement constituted approval of murder and in that respect was equivalent to positions by right-wing and settler bodies who advocate indiscriminate violence against Palestinians, deserves quotation at length, as it manifests the obstacles confronting any group within Israeli society which stands unequivocally for a peaceful solution:

After seventeen years of occupation and rule over the Palestinian people, many of our most basic concepts have become distorted and warped. The occupied territories have come to be seen as liberated territories which are part of our homeland. In official jargon they are referred to as 'Judea and Samaria' — biblical appellations which invoke a pastoral landscape that has been ours since time immemorial. Palestinian commandos are called terrorists and have even been termed 'two-legged beasts.' The Palestinians are viewed as 'drugged cockroaches' who have no rights and ought to be stamped out. The Israeli army, which once was a defence force, has become an army of occupation, whose duty is to rule over and oppress a civilian population' but officially, it is still known as the "Israel Defense Forces" or the security forces ... The destruction of the homes of Palestinian families, innocent of any crime, is viewed as 'a method for punishing wrongdoers' and the mass imprisonment of Palestinians in prison camps is ostensibly carried out in order to 'interrogate suspects and preserve order.' Opposition to the occupation is seen as riotous behavior and Palestinian demonstrations are always referred to as 'the actions of an incited mob.' These are only a few examples of the new nomenclature ... that ... has fertilized the soil for a homegrown variety of fascistic racism.

Israeli doves have also been coopted into this mindset in their everyday lives ... So it is that the real situation has been blurred and it has become apposite to remind Israelis that when they cross the country's 1967 borders, they are entering a military zone, ruled by a military government and army decrees. Over a million Palestinians live in the occupied territories — deprived of their rights, discriminated against, subject to constant harassment, torture and collective punishments meted out by the occupying power ...

The occupied territories are not the pastoral landscapes they may seem to be and the people living there have no say in how they are governed. By going hiking in the occupied territories (one not only enters a military zone, but also) Israelis who hike in the occupied territories are viewed by the Palestinians living there as yet another manifestation of the never ending provocation by which they are told that the land they call home belongs to the Israelis and not to them — the Palestinians.

This is the background against which one must view the Cremisan killings. (The Palestinian who killed the two Israelis) had a 15-year-old cousin who was killed in Dehaishe refugee camp two years ago by Israeli occupation forces ... For the past two years a Palestinian mother has been grieving over her 15-year-old son, and now, two sets of Israeli parents are in the same situation ...

Both the couple and the 15-year-old camp resident were the sacrificial victims of the occupation. We believe that both Jews and Arabs should have the right to be free and not be subject to degradation. Now, the question is: how can this cycle of violence ever be stopped? Our answer is as follows: The occupation and rule of the Israeli people over the Palestinian people has become a pestilent swamp that breeds hatred and violence. If this cycle of violence is to be halted, the swamp of occupation must be drained to the dregs ...

In the present circumstances, the move toward draining the swamp of occupation is considered to be a revolutionary step in Israel although the rest of the world takes it for granted that this is the only solution to the problem. We must begin to talk to the Palesti-

nian people and their representatives about a political solution to the conflict that will honor the national rights of both peoples ... It is high time to ... tell the nation the true story ... The prophets of Israel did the same, when they told their countrymen the bitter truth in spite of the fact that they were busy prostrating themselves before false idols and were not willing to lend an ear to their words.

Objecting to the comparison of the Committee's position with that of supporters of Jewish terror, the spokesperson asks:

"Where is the symmetry? (Rabbi) Druckman (formerly MN National Religious Party; now MK Morasha Party) is one of the piston rods driving us to further atrocities ... In contrast, we aspire to end the cycle of bloodshed. Furthermore, Druckman is a racist; we recognize that the principle of equality applies to Jews and Arabs. And finally, if the leaders of Gush Emunim were to suffer the same fate as that arranged by their friends of the Arab mayors of the West Bank, we wouldn't respond as Druckman did, saying 'may all our enemies suffer the same'; we will say that such an act is a direct consequence of the occupation. And we shall not hesitate to repeat that the only way out of this cycle of violence is through negotiations, co-existence, and peace."¹²⁰

Many Israelis have drawn the connections between occupation, settlements, and violence, but few are willing to draw the logical conclusions and to support their words with actions for change.

¹¹¹The position has been most forcefully argued by Meron Benvenisti, who heads the West Bank Data Base Project, in Jerusalem.

¹¹²See, e.g., their report submitted to Defense Minister Yitzhak Rabin in February 1985, summarized in *Israleft* 259: 6-7.

¹¹³The Democratic Front for Peace and Equality and the Progressive List for Peace together received about .5% of the Jewish vote in the 1984 elections. Concerning the status of Jerusalem, there are many formulas which would allow an Israeli state and a Palestinian state to have their respective capitals in the city, but all such formulas are unacceptable to the majority of Israelis.

¹¹⁴Peace Now Educational Activities, *Everything You Didn't Want to Know About Settlement on the West Bank*.

¹¹⁵Peace Now informational pamphlet, June 1984.

¹¹⁶Peace Now, *ibid.* and *op. cit.*

¹¹⁷Peace Now informational pamphlet, June 1984.

¹¹⁸See article on the conference, *Al Fajr Jerusalem-Palestinian Weekly* (March 18, 1983).

¹¹⁹Gideon Spiro, "Not Willing to Sing in the Israeli Chorus," Translated in *Al Fajr Jerusalem-Palestinian Weekly* (December 21, 1984), p. 6.

¹²⁰*Al Hamishmar* (February 2, 1984).

Chapter Seven

Concern About Anti-Democratic Trends in Israeli Society

Commenting on the parallels between Germany of the 1930's and present day Israel, Yehoshua Sobol reflected that "the fascistization of a society begins when extreme racist and chauvinistic views are held by a small minority ... whose activity is carried out against a background of general indifference. The fringe racist has no better ally than the floating liberal who encourages mass apathy."¹²¹

In Israel of the 1980's, actual terrorist acts may indeed be carried out by a minority, but the background of this activity can no longer be described as one of general indifference. The June 1984 poll cited earlier indicated that fully one-third of the Jewish public found at least some justification in the settler terrorist organization's activities. An August 1984 poll indicated that nearly 60% of the Jewish public believes that Palestinians in the occupied territories should either be deported (15%) or live under an apartheid rule without rights (44%).¹²²

Recent studies of school children indicate strong anti-Arab attitudes and a willingness of many students to dispense with democratic rights and institutions, particularly for Arabs. One study of elementary school children in Haifa's Carmel section, for example, revealed that the children's immediate association with "Arab" in most cases was that of "kidnapper, murderer, terrorist and criminal," to which they added identifying traits such as "vegetable market hawker, pita bread baker, shepherd ..."¹²³ A poll taken by the student council of a Qiryat Shmoneh high school showed that more than half of the students support Kahane and his movement, although some expressed reservations about his mode of action.¹²⁴

A former Advisor to the Prime Minister on Arab Affairs, Shmuel Toledano, reported that his recent speaking tour to schools all over the country left him worried about the future of the country. Extreme anti-Arab attitudes, including suggestions that they should be sent out of the country, were openly and vociferously expressed, while any students who may have opposed such positions were silent. Directors of educational programs designed to enhance appreciation of Israel's pluralism and democracy report difficulty in countering student attraction to racist and extreme chauvinist views advocated by notorious public figures like Meir Kahane, former Chief of Staff Raphael Eitan (now Member of Knesset in

the Tehiya-Tzomet party), and Minister of Commerce and Industry Ariel Sharon; and they report that Kahane's Kach movement is successfully organizing youth cells in schools throughout the country.¹²⁵

As Israel's economic crisis has led to a lower standard of living, factory layoffs and increasing unemployment, disgruntled workers point the finger of blame at "Arab workers from the territories."¹²⁶ Opinion polls among adults also indicate a growing disillusionment with democratic institutions within the state. A March 1983 poll, for example, indicated that 58% of the Jewish public believe that criticism of government policy (especially foreign policy and security) should be banned; 65% believe that the mass media (TV, radio, the press) endanger the national interest and should be "restrained and their activities curtailed." A hard core of about 20% are ready for a radical change of the political system and hold openly negative attitudes toward democratic components of the state (e.g., the Knesset and the political parties).¹²⁷

These are only a few indicators of attitudinal trends that have many Israelis worried.

"Israel," argues Professor Dan Horowitz, "is ripe for fascism. The current congruence of tribal nationalism, religious fanaticism and right-wing populism has laid the political foundations for Israeli fascism. Candidates for the role of 'leader' are not wanting ... But the country's current social situation is perhaps the foremost factor making such a development a distinct possibility. The public, hit by rampant inflation, feels trapped in a situation over which it has little control; jobs are no longer secure and savings are no longer safe. Many people have lost faith in the ability of Israel's democratic-parliamentary system to govern the country. Anti-Arab hatred is on the rise. The political and cultural life of the country has deteriorated and the social elites have become estranged from the mainstream."

One important component of this trend, in Professor Horowitz's analysis, has been a psychological and ideological shift in the Arab-Israeli conflict, investing the conflict with an "intercommunal dimension" within the Whole Land of Israel ideology, and a focus on the "marginal threat of Palestinian terrorism." Everyday social interactions between Jews and Palestinians in Israel and in the occupied territories have become "colored by the perceived threat that Arab armies (once) posed to Israel." And the psychological perception of the Israeli-Palestinian conflict as an "intercommunal" conflict rather than a national one, "lends itself to greater racism."

In Professor Horowitz's estimation, "Gush Emunim also contributed to spreading racist attitudes among the Israeli public. The open conflict between the settlers and the inhabitants of the occupied territories deteriorated into a campaign of counter-terrorism. Another equally important factor was the manner in which religious Messianism was interwoven with political nationalism: national identity came to be defined in tribal terms (i.e., Jews against Gentiles); the dehumanization of the Arabs and was given *halachic* sanction (i.e., the commandment concerning Amalek); and an obnoxious association was forged between the land ("Land of our Forefathers") and blood ("Jewish blood shall not be spilt with impunity") ..."¹²⁸

Many others have linked the occupation and settlements in Palestinian population centers with the rise of anti-democratic trends in Israeli society. Professor Shlomo Ben-Ami, of the Tel Aviv University School of History, notes that those states that have dominated a large national minority have a

common denominator: "if they were democracies at the outset, sooner or later they cease to be so."¹²⁹ And (Retired) Supreme Court Judge Haim Cohen, reflecting on the escalation of violence in the occupied territories, stated that "whether or not the mob is institutionalized in the form of the army, the police or vigilante groups, the moment license is given to 'put things in order' the way the imposers of that order conceive it, democracy doesn't stand a chance."¹³⁰

Discussions and debates over the extent and sources of anti-democratic, fascist, and racist trends within Israeli society have become quite commonplace.¹³¹ Most analysts concur that at least some elements defining such terms exist in alarming proportions within the Jewish public — elements which would easily dispense with some democratic institutions and guarantees; which value state or nation above all other values including individual rights; and which view non-Jews in dehumanized terms and justify denial of their human, civil and national rights. While such tendencies may have other sources in Jewish and Zionist history,¹³² most analysts also concur that continued occupation over an unwilling population deprived of rights, aggravated by the Lebanon War, has had a brutalizing, corrupting influence on Israeli society and its value priorities.

What is significant about these developments for the subject of this report, is the mutually reinforcing relation between such societal trends and settler terror against Palestinians in the occupied territories. If the territories are annexing the state, this transformed state in turn provides a rearguard of support, an atmosphere of justification and license for continued terror.

Efforts are underway to alert the Israeli public to the dangers of this reinforcing system — committees against racism; education for coexistence, pluralism, and democracy; coupled with efforts to end the occupation, to prepare the public for the necessity of territorial partition, and to pressure the government to enter discussions and negotiations for a peaceful resolution. The task is a formidable one which will have to transform not only attitudes and opinions, but very powerful social, economic and political factors supporting the vicious cycle. But at least some Israelis consider it the real war that will determine the future — perhaps the very survival — of Israel in the Middle East.

¹²⁹See complete poll results and analysis by Yoram Peri, Davar, (August 3, 1984). Translated in *ICPME Israeli Press Briefs* 28: 1-2.

¹³⁰Nili Mandler, *Ha'aretz* (January 30, 1985), p. 1.

¹³¹*Ha'aretz* (January 25, 1985), p. 3.

¹³²In a television interview with Ram Evron in March 1985.

¹³³Reported by Aluph Hareven, The Van Leer Institute, who is developing curriculum on Arab-Jewish and Arab-Israeli relations; and by Zvi Kesse, of Kol Koreh, who is developing educational programs on humanism and democracy.

¹³⁴See Muhammad Watad's (Knesset Member for Mapam) response to this in "Easy target: the Arab worker," *Hadashot* (January 8, 1985). Translated in *ICPME Israeli Press Briefs* 31: 13.

¹²⁷*Al Hamishmar*, (March 20, 1983).

¹²⁸Dan Horowitz, "The Spectre of Israeli Extremism," *Davar* (December 7, 1984). Translated in *Al Fajr Jerusalem-Palestinian Weekly* (January 11, 1985), p. 6.

¹²⁹*Hotam*, (February 18, 1983).

¹³⁰Interview with Justice Haim Cohen by Yosef Sharit in *Yediot Ahronot* (February 18, 1983). Translated in *ICPME Israeli Press Briefs* 11: 9-10.

¹³¹Limited space has permitted the citing of only a few examples. For English readers, good sources for following these discussions and debates are the monthly *ICPME Israeli Press Briefs* and the biweekly *Israleft*.

¹³²For examples of Israeli critics who point to additional historic sources for these trends, see Yeshoshua Sobol, "Kahane is just the abscess in Israel's body politic," *Al Hamishmar* (August 2, 1984), Translated in *Al Fajr Jerusalem-Palestinian Weekly* (August 17, 1984), p. 6; Daniel Gavron, "Semantics of abuse," *Jerusalem Post Magazine* (March 22, 1985), p. 6; Sever Plutzker, "The Nazi experience: obedience based on greed and the will not to know," *Al Hamishmar* (June 28, 1984). Translated in *al Fajr Jerusalem-Palestinian Weekly* (July 13, 1984), p. 8-9; And Shuki Ben-Ami's three part series on the roots of Jewish terror, originally published in *Al Hamishmar* and translated in the November 23, November 30, and December 7, 1984 issues of *Al Fajr Jerusalem-Palestinian Weekly*.

Chapter Eight

Conclusion: The Cycle of Violence Continues

Whatever delusions some might have had that a change of government would mean a change of policy to end the cycle of violence in the occupied territories were quickly dispelled in the first few months of the National Unity Government under Prime Minister Shimon Peres and Defense Minister Yitzhak Rabin.

Despite the severe economic crisis and the stringent austerity measures introduced through the joint economic agreement between the government, the labor unions and manufacturers, funds continue to flow for the settlement infrastructure and an expanded grid of settler roads, new settlements have been authorized, and Palestinian land continues to be expropriated for "state" use.¹³ On the basis of fraudulent land deals and an on-going campaign for intimidation, settlers continue to take over buildings in the Muslim Quarter of Jerusalem's Old City. And settlers are expanding their presence at the yeshiva near Joseph's Tomb in Nablus, sleeping overnight in defiance of a military order. It appears that Ariel Sharon's promise in the Simha Torah festivities in Hebron (Khalil) last October that the next year's festivities would be celebrated in Nablus with the establishment of a permanent Jewish settlement in the heart of the West Bank's largest Palestinian city, might well be fulfilled.

Following escalated Palestinian resistance activity in January of this year, an estimated 1,000 settlers in 300 cars blocked the 28 roads connecting the West Bank to Jerusalem on the morning of February 3, in a two-and-a-half hour protest against the government's negligence in the light of the worsening of the security situation. A well-planned and organized action, it stood as a clear warning to the government that settlers are capable of quickly mobilizing even large actions. Government troops made no arrests.

Escalated Palestinian resistance had occurred in the face of harsher measures by the military and stiffer prison sentences than had ever been meted out for stone-throwers. On February 4, 1985, a reserve soldier was shot at point-blank range in the middle of Ramallah. In response, a curfew was imposed and hundreds of males indiscriminately rounded-up. Government officials began discussing the reinstitution of lengthy administrative detentions and deportation of Palestinian "inciters." Indeed, Abu Ali Shahin, who had been confined to desert exile following a fifteen year

prison term, lost his court appeal to be allowed to remain in his homeland, and was deported on February 18, 1985 — the first deportation of a Palestinian resident since the expulsions of Mayors Kawasme and Milhem and the Qadi Tamimi in 1980. Several Palestinian detainees quickly filed orders *nisi* in court to forestall possible similar steps against them.

Despite all the calls of the settlers for expulsions and relocation of refugee camps, and for stiffer penalties for Palestinian resistance activity, the settlers know that the game they are playing has nothing to do with “guaranteeing their security.” As Yehuda Litani has noted, “Past experience shows that *every serious attack on Israeli settlers had led to the settlers achieving political gains* on the ground, under both (Labor) Alignment and Likud governments.”¹³⁴ This is their goal, and there is no sign that the old methods will not produce the kind of results they have in the past.

On November 1, 1984, Rabbi Moshe Levinger began a three-and-a-half month vigil, camped in his van next to the Dehaishe Refugee Camp, under the protection of Israeli security forces. He demanded deportation of stone-throwers and death sentences for Palestinian terrorists. His provocative sit-in was accompanied by periodic incursions into the curfewed camp, the distribution of leaflets by the West Bank-Gaza Settlement Council calling on residents to “leave the camp and move to other places,” and other settler harassments.

Levinger’s provocation was only the most recent in a long line of settler violence and harassment against the Dehaishe camp residents. Throughout its history, but particularly in the last two or three years, the camp has been subject to repeated collective punishments by authorities, including detentions of dozens of young people without charges, the sealing off of the camp entrances, closing of shops, house demolitions, frequent and prolonged curfews, night searches accompanied by vandalism and destruction, and the rounding-up of young men for personal body searches and interrogations. A particular complaint of the residents, cited in petitions to the High Court of Justice over the last two years, is that soldiers patrolling the area have on numerous occasions allowed settlers and other militants led by Kahane and others to roam freely through the camp, breaking car windows, ordering camp dwellers to close their shops, beating and shooting at residents, and otherwise terrorizing the residents, including young children. Their complaints have been documented in the High Court of Justice petitions by Attorney Felicia Langer and others, and in press conferences and testimonies jointly sponsored by camp residents and the Israeli Committee for the Defense of Refugee Camps.

The camp, in the words of an official UNRWA report, has become “a symbol of the contradictions and tensions arising from the absence of a political solution to the Palestinian question.”¹³⁵ These contradictions and tensions are most poignantly represented in the official protection provided Levinger and his fellow settlers throughout his siege of the camp, while the harassed camp residents continued to be subject to curfews, sealing of roads, and mass detentions by the military authorities.

On February 18, Levinger ended his sit-in, having achieved his goal of a promise from Defense Minister Rabin that the government would implement an “iron fist” policy against stone-throwers and inciters, while several camp residents remained in detention without charges in Fara’a Prison.

Earlier, Dov Yermia, one of the many visitors to the camp during Lev-

inger's siege, reported his observations and reflected on the import of the situation at Dehaishe for his own dreams as a Zionist Jew.

Dehaishe: Symbol and Torch

Saturday, 15 Jews, men and women who care, arrived at the Dehaishe camp at the invitation of local activists. We have come to see for ourselves what we heard about at a meeting in Tel Aviv.

The first impression: opposite the center of the camp, across the road, a unit of the Israeli Salvation Army, assisted by the rabbi (Levinger-ed.), the false messiah. Nine of his soldiers who complete his Sabbath prayer group are lying around on their beds ... they are guarded by reserve soldiers who were mobilized for this purpose ...

Opposite the provocation on the other side of the road is a wall of poorly-built houses, a wire mesh fence, six meters high and entrances closed with cement blocks. The impression is one of a prison camp.

We just stopped and a Border Police jeep drives up with an officer. Without getting out he asks briskly 'Who are you? Where did you come from? Why did you come? Who's in charge?' We answered. 'Okay, you can go in, but no demonstrations, no distribution of material, and don't make too much noise, understand?'

Our hosts hurry us away from the evil eye. We cross the barricades and enter the enclosure, into the narrow alleys ...

... The air is heavy with fear, like a dark cloud. You can cut it with a knife. The presence of our hosts brings a smile to the faces of those who meet us and a warm greeting of shalom. Without words, it is understood 'these are different Jews, these are friends.'

Instead of stones, smiles. We are not settlers or the occupying army who enters the camp every day and crush the pride and the people who live here. In the poor home of our host we meet a group of young intellectuals ...

They present their problems clearly and intelligently. 10,000 people live in one square kilometer. A third generation living in overcrowded conditions, filth, lack of elementary sanitary conditions and degrading poverty. Seventy percent of the males are simple day workers who depend on work from the black labor market in Jerusalem.

The schools are on a very low level and the many curfews disrupt them. The military government is strict and pressures them in all possible manners. The most effective one is to give the settlers free reign in the camp and to allow them to rampage as much as they want. The provocative presence of Levinger is the best example of this. No building is allowed. Requests for additional land which exists in plenty next to the camp for building, is refused.

This does not apply, of course, to the few collaborators. The intention is clear — to move the inhabitants away from here and to make the place available for settlement plans. Is it any wonder that in the face of all this, the tension, the anger and protest expresses itself through violence, by throwing stones at the settlers' vehicles. This is the only way that the residents of Dehaishe can fight back.

It's true, the underground fighters against the British did not throw stones. The oppressive rule of the British against us, only in rare circumstances, reached the severity used in the occupied territories. Our underground threw bombs, explosives, shot and killed hostages. The stone throwing by the people of Dehaishe is child's play in comparison to what they did. But the stone throwing by Arabs causes a cruel and harsh chain reaction: curfews, cancelling of school, arrests, interrogations in the middle of the night, beating of detainees, often in front of their children, and a reign of terror and fear.

They all expressed one conclusion: 'This is no way to live, but we will not give in to the pressure and we will not move from here until we achieve our right to an independent state, which will have plans for complete rehabilitation, which will solve not only the problem of the Dehaishe refugees but the problem of the oppressed and dispersed Palestinian people.'

Anyone, like me, who has lived through the fulfillment of Zionism during almost three generations knows how an idea, borne out of the desperation of the diaspora and the ghetto, turned into a reality that no power could prevent. The dispersion and the oppression which the Israeli occupation has made the lot of the Palestinians will bring about the exact same result very quickly.

The Zionism of the false messiah of Levinger's gang and the brutal force used by the Border Police and the IDF will not oppress the 'Zionism' of today's Palestinians. Woe unto us if we don't understand in time the essence of the symbol of the Dehaishe camp to

the Palestinians. Woe unto us if we don't see that the torch that the residents are carrying in the dark of the night, is liable to ignite all of the terrible nightmares and evil acts that the state of Israel is perpetrating on the Palestinian people.

If this explosion occurs, this will be the bitter end of our Zionist dream.¹³⁶

On leaving Dehaishe, Levinger turned his attention toward expanding the Tel Rumeida settlement in Hebron (Khalil). The broomsticks of the Abu Heider family he confronts there and the bulldozer of the al-Jib farmer north of Jerusalem — while inspiring symbols of Palestinian determination — are no match for the strategic alliance of Levinger-Gush Emunim, a sympathetic military, and an accommodating government.

Observers in the occupied territories report that the most blatant forms of settler violence have somewhat subsided in recent months, as settlers await the outcome of the terrorist organization trial still underway. But recent events indicate that when settlers decide they must break the law, or “act above” it, they need have little fear of being stopped. The vigilante roadblockers accomplished their goal without even being late for work that morning. Until April, 1985, no settler who had murdered a Palestinian in the occupied territories in the last five years had yet been sentenced for the offense, and then it was less than two year's suspended sentence. By early March, the government prosecutors had already made seven “deals” with the defendants of the terrorist organization, and one defendant, who had plea-bargained early in the process, had already been set free.

All these developments suggest that the government has taken no significant steps toward the major surgery and fundamental reforms called for by a broad spectrum of critics — from the official Karp Report, to various human rights groups, to Peace Now, and other secular and religious opposition voices. There has been no change in settlement policy, the regional defense system, settler access to arms and explosives, and virtual impunity for violence against Palestinians.

While token educational efforts have been initiated in the schools and in the armed forces to promote “education to democratic principles and coexistence,” the overwhelming trend of public opinion in all sectors of Israeli society, especially among the youth, is toward increasingly anti-democratic and anti-Arab attitudes which form the breeding ground or rearguard of support for settler terror.

In sum, there has been no reversal or even slowing of the dominant trends in policy, settlement, legal structure and educational systems — no change in the socio-political climate, which a former Security Services Head (Achituv) has termed, a psychological hothouse for settler terrorism.

In reviewing the writings and statements of the concerned minority of Israeli Jewish critics warning of the dangers of continued occupation over an unwilling population of close to one-and-a-half million people, of continued settlement on expropriated land in the heart of Palestinian population centers, of lost opportunities for a just solution to the Palestinian question, one is left with a sense of helplessness and desperation. As Amos Elon once commented while standing on a hilltop overlooking Nablus, and watching the frantic settlement building, the barbed wire fences ... “One can only marvel at the impulsion that is driving us ...”¹³⁷

But with all the dire warnings of impending disaster, the death of democracy, the rise of fascism, the institution of apartheid rule, the suicidal madness, the cancer in the body politic — with all the trenchant analysis of

the necessary correlation between settlement, annexationist policy, occupation repression and settler terrorism — with all the desperate calls for radical reform and major surgery before it is too late — one cannot help but wonder whether even the critics believe their own rhetoric and grasp its implications. “No one,” claims Profesor Leibowitz, “is prepared to draw concrete conclusions.”

So what are the possible conclusions?

A growing number of critics and active opponents of occupation and settlement policies have concluded that Israeli society will not, cannot, change itself, and that external forces, or imposed solutions, will have to intervene. Experience indicates that the kinds of external pressures exerted on Israel in the past — in the form of American pressures for compromise and negotiation — tended only to increase the militant opposition of the settlers and to fuel their violent actions. It was a militancy that the Israeli government used well as a diplomatic card to ease the pressures for compromise. But the increased militancy and capability of organized settler violence in the occupied territories displayed within the last few years raise severe doubts that even a government which wanted to control the settlers would be able to do so. The entire organizational network of Gush Emunim settlements in the West Bank and Gaza Strip is geared toward clear political objectives, namely to obstruct any territorial compromise and to extend Jewish sovereignty over the occupied territories with a reduced number of Palestinian residents. Danny Rubinstein observes that the committees of the West Bank-Gaza Settlement Council overseeing political, financial, legal, settlement informational and defense matters, “resemble a kind of shadow cabinet, delegated with the role of representing and consolidating the political and institutional infrastructure of the Gush Emunim settlers.” Economic and social networks are developed to be operating autonomously in the event that “political problems” arise between the state’s and the Council’s goals.

The major obstacle confronting the Gush Emunim settlement movement today is the fact that the settlers represent no more than three percent of the West Bank-Gaza population. This is why the settlers have been pressing the government to adopt harsher measures against the Palestinians, in the hopes that the discomfort will force more of them to emigrate. So far, settlers have successfully exploited every instance of Palestinian resistance to achieve harsher penalties for resistance actions and tighter Israeli control over Palestinian institutions. Next on their list of demands are the closing of Palestinian universities, legislation to make stone-throwing a terrorist offense, and the institution of capital punishment for such terrorist offenses, as well as the dismantling of refugee camps and the dispersal of their residents, as noted earlier.

Most worrisome is their demand to be allowed to set up a civil guard that would function as a semi-autonomous police force. This report documented the dangers already inherent in the establishment of military regional defense units. The addition of the civil guard police system would complete the establishment of an independent settler infrastructure whereby the settlers will have achieved their goal of being the arbitrators of policy in the occupied territories.

If past Gush Emunim strategy of forcing the government to meet their demands gives any indication, the settlers will achieve these goals. The

result will be devastating not only for the Palestinian victims of their designs, but for any Israelis who have visions of maintaining their democratic institutions and becoming an integral part of the Middle East.

As Danny Rubinstein describes the situation, the Gush Emunim settlement movement is “holding a knife at the state’s throat and turning (its citizens) into hostages.” Their present capabilities suggest that they can present Israelis with “a repugnant choice between two equally disastrous alternatives: Either annex the occupied territories and oppress the Arab population; or agree to face the consequences of what may escalate into civil war.”¹³⁸ The prospect of a civil war seems unlikely to many liberal Israelis who still hold out the hope for democratic persuasion and reforms within Israeli society, coupled with negotiations and compromise on the diplomatic front. But the Gush Emunim settlement movement has clearly prepared for such an eventuality. And if a civil war should come to pass, given the current balance of power in Israeli society, it is quite clear which side would win.

A Palestinian academic who was detained in error and tortured, was asked by a reporter what would be done to prevent such occurrences. His answer to the query — “You can only weep” — suggests a third possibility in the current impasse:

“You Can Only Weep”

A Palestinian academic was “detained in error” and tortured. Sobol asks him what Israelis who oppose torture can do. The Palestinian replied:

“You can weep: weep for what the occupation authorities are doing to us and weep for what they are making of your society. You can weep — as the soldier who brought me food in my cell wept. You can weep as Israel Galili wept, at the meeting with your Prime Minister when he learned of the violence done to the civilian population of the conquered territories. Beyond that you can do nothing ... Here on the West Bank it is not the Israeli government that rules, nor Israeli law. Here there is another regime altogether, run by faceless, anonymous people from your security services, by military governors and gangs of settlers who behave as if they owned everything, without fear of any law. The regime whose whims we are subject to ... does not give a damn for the government of Israel, the Knesset or Israeli law. Really, you can only weep.”¹³⁹

But somewhere between violent conflagration and hopeless despair there is another way. Suggestions, analyses, proposals are wanting. What is needed is the will and the courage to take the first steps toward a peaceful resolution. Continued vacillation and denial only gives the Gush Emunim settlers a free and violent hand to determine the future. Palestinians and Israelis — and all who care about their future — must work together now to find an alternative.

¹³⁸On the road plan, see the report, *Israeli Proposed Road Plan for the West Bank: A Question for the International Court of Justice*, by Aziz, Fuad and Raja Shehadeh. *Law in the Service of Man* (November 1984).

¹³⁹*Ha'aretz* (February 3, 1985), p. 7.

¹⁴⁰*Al Fajr Jerusalem-Palestinian Weekly* (February 8, 1985), p. 16.

¹⁴¹Dov Yermia, *Davar*, Jan. 28, p. 7 (English translation, *Israleft* 258 February 12, 1985, p. 4-5).

¹⁴²*ICPME Israeli Press Briefs* 12.

¹⁴³Danny Rubinstein, “Gush Emunim’s Drive for Annexation,” *Davar* (February 10 and 11, 1985). Translated in *Al Fajr Jerusalem-Palestinian Weekly* (March 29, 1985), p. 8-9.

¹⁴⁴Yohushua Sobol *Al Hamishmav* (May 16, 1983).

Chapter Nine

Legal Postscript: The Law Applicable to Israeli Settler Violence in Occupied Territories

BY SALLY V. MALLISON AND W. THOMAS MALLISON*

The Report: *Israeli Settler Violence in the Occupied Territories: 1980-1984* prepared by the Palestine Human Rights Campaign and the Arab Studies Society, East Jerusalem, provides carefully documented evidence of a consistent pattern of state supported settler terrorism against the indigenous Palestinian civilians. This evidence should be examined in the light of the applicable international law.

I. The Applicable International Humanitarian Law

Hague Convention IV (1907), 36 U.S. Stat. 2227, codified the customary law of military occupation as it had developed in the 19th Century and added new provisions to protect the civilian inhabitants of occupied territory. This Convention has now become customary law and therefore creates obligations for all states. The Israeli Supreme Court has stated in the *Elon Moreh Case* (H.C.J. 390/79, Oct. 22, 1979) that Israel, although not a state-party, is bound by Hague Convention IV because it has become universally accepted as customary law.

During the Second World War the Nazis and the Japanese militarists flagrantly violated the Hague law by, *inter alia*, conducting acts of violence against the civilian populations in territory they occupied. In order to avoid repetition of these events, an entirely new convention was adopted at Geneva in 1949. The Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, 6 U.S. Treaties 3516, has almost as many state-parties as there are members of the United Nations. Israel ratified it on July 6, 1951, and the United States did so on August 2, 1955. Article 2 of

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the Convention states in part that it shall “apply to all cases of partial or total occupation.” The occupant has only a temporary status and it is irrelevant whether the title of the legitimate government to the territory is held on a *de jure* or a *de facto* basis. Article 42 of the Regulations Annexed to Hague Convention IV states that: “Territory is considered occupied when it is actually placed under the authority of the hostile army.” Israeli attempts to avoid both the Hague and the Geneva law have ignored the former and claimed alleged governmental rights to exist in the Civilians Convention. The International Committee of the Red Cross official *Commentary on the Civilians Convention* (Pictet ed. 1958) describes it on page 77 as the first Convention “not devoted to state interests, but solely to the protection of the individual.”

II. Israeli Government Complicity in Settler Violence in the Occupied Territory in Violation of International Law

Although so-called “charitable” contributions are solicited to assist in the construction of settlements in the occupied territories, the settlement policy is the official policy of the Government of Israel. The establishment by the Knesset, the Israeli legislature, of a “Ministerial Committee for the Settlement of the Territories” is *prima facie* evidence of this fact. While some of the civilian settlements were initially founded by a handful of politico-religious zealots, every one of such settlements has secured official approval from the Interministerial Settlement Committee.

To counter the claim that acts of violence committed by Israeli civilian settlers against the Palestinian population of the occupied territories are the work of a few individuals acting in defiance of governmental authority, and, therefore, the State of Israel ought not to be held accountable under international law, reference should be made to Article 29 of the Geneva Civilians Convention which states:

The Party to the conflict in whose hands protected persons may be is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.

Article 32 of the Convention is also in point, providing that the prohibition against violence directed at protected persons applies “to any ... measure of brutality whether applied by civilian or military agents.”

Policies adopted and implemented by the Israeli government are directly responsible for the precipitation and escalation of settler violence. Four of such policies in particular have contributed significantly to the creation of an atmosphere of heightened tension and direct confrontation between the Israeli civilian settlers and the Palestinian Arab inhabitants of the region.

First, the settlement policy itself, and the forcible expropriation of Palestinian property to facilitate it, was destined from its inception to culminate in an ultimate clash between the two peoples. Article 49(6) of the Civilians Convention expressly prohibits an occupier from setting up civilian settlements in the occupied territory. It provides:

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

Second, the Israeli government’s creation and imposition of a dual legal system in the occupied territories — one to be exclusively applied to Jews and the other only to Palestinians — relegates the latter to the status of se-

cond class citizens in their own country. Denying local courts the jurisdiction to entertain claims filed against Israeli civilian settlers for offenses committed against Palestinian Arabs in the occupied territories is in violation of Article 23 of the Hague Convention Regulations which provides in part:

It is especially forbidden ... to declare abolished, suspended, or inadmissible in a court of law the rights and actions of the nationals of the hostile party.

It is clear that the dual legal system introduced by Israel into the occupied territories, and its unequal application of laws to Arabs and Jews based solely on race and religion, is in flagrant violation of the above article as well as Article 43 of the Hague Convention Regulations which requires the occupant to fulfill its obligation of "respecting, unless absolutely prevented, the laws in force in the country." According to Meron Benvenisti, a professional Israeli city planner and former deputy mayor of Jerusalem, "the Israelis ... have actually created two spatially segregated regions, ethnically divided, separate and unequal ..."

Third, the Israeli government's organization of the civilian settlers into "territorial defense units," authorized to patrol Arab towns and villages near their settlements and to set up and man roadblocks and checkpoints, and their functional integration into the military command structure of the Israeli army, creates an atmosphere of license for acts of terror against the Palestinian Arab population. The evidence in the Report demonstrates that the weapons in the settlers' possession are supplied entirely by the military and include automatic rifles, grenades and mines, as well as communication gear which enables them to form an underground movement "capable of sophisticated reconnaissance and logistics," and "allows them to act as autonomous units with little independent supervision."

Fourth, the Israeli government's failure, except on a *pro forma* basis, to apprehend, charge, prosecute, convict and punish known perpetrators of acts of settler violence against Palestinians encourages the continued commission of such terroristic actions.

III. The Law Applied to Patterns of Settler Violence

During the five year period covered by the previous study, incidents of Israeli settler violence against Palestinian individuals in occupied territory have been established conclusively. They have caused at least 23 Palestinian deaths, many of them children, 191 serious bodily injuries, 38 abductions and kidnappings, and many other serious acts of violence. According to the evidence in the study, 65 percent of the killings were perpetrated by Israeli settlers with weaponry of "military issue." Two-thirds of those Palestinians abducted were minors, many of whom were subjected to torture, humiliation and solitary confinement before being released.

Such violence perpetrated against protected persons in militarily occupied territory is strictly forbidden by the Geneva Civilians Convention. Article 27 provides in relevant part:

Protected persons (indigenous civilians) are entitled, in all circumstances, to respect for their persons ... and shall be protected especially against all acts of violence or threats thereof ...

The violence described is also in violation of article 32 which provides in relevant part:

The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishments, ... but also to any other measures of brutality whether applied by civilian or military agents.

“All measures of intimidation or of terrorism are prohibited” according to article 33.

Settler violence is also directed against the real and personal property of Palestinians. In the five years 1980 to 1984, there were 71 incidents of violence involving Palestinian lands, including seizures, fencing, destruction, poisoning and land fraud, 210 violent attacks against Palestinian homes, shops and businesses in the form of demolitions, vandalism and outright takeovers, 725 assaults against passenger-occupied motor vehicles, which included arson, grenade attacks and the smashing of windows, and finally 83 attacks directed at farm animals belonging to Palestinians (cattle, sheep and chickens), resulting in thefts, killings and injuries, depriving many Palestinian farmers of their means of livelihood. The destruction of and wilful damage to the property of the Palestinian inhabitants in Israeli occupied territory is in clear violation of Article 53 of the Geneva Civilians Convention, which reads:

Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, ...

Article 56 of the Hague Convention Regulations prohibits an occupying power from the commission of any act of violence against educational and cultural institutions and strongly proscribes the desecration of religious institutions and holy sites. It states:

The property of municipalities, that of institutions dedicated to religion, charity and education, the arts and sciences, even when State property, shall be treated as private property. All seizure or destruction of, or wilful damage to, institutions of this character ... is forbidden

Article 50 of the Civilians Convention requires the military occupant to “facilitate the proper working of all institutions devoted to the care and education of children.”

Despite the clear law just quoted, since 1980, 30 Palestinian kindergartens, elementary and secondary schools, and colleges became targets of violent attacks by organized bands of armed Israeli settlers. These terrorists were also responsible for orchestrated attacks against 41 religious institutions and holy sites in the occupied territories, which included arson, vandalism, gunshots and grenade attacks directed against Christian churches, convents and monasteries, as well as Islamic mosques and holy shrines. Public places, facilities and institutions such as markets, squares, municipalities, courthouses and newspaper offices were also made objects of such violent attacks during the same time period.

As a direct result of settler violence, which continues unabated, Palestinian civilian inhabitants of Israeli occupied territory, regardless of age, sex or religion, as well as their real and personal property, regardless of its character, have been and are still denied the protections to which they are clearly entitled under elementary principles of international law.

IV. Conclusions

Roy Isacowitz reported in the Jerusalem Post of May 3, 1984 that the occupation itself, and the settlement policy in particular, creates "the natural breeding ground for terror," and likened both to a "cancer" in the heart of the region. "When the government debases the law by treating the Arabs and Jews on the West Bank unequally," said Isacowitz, "how can it expect the settlers ... to have any respect for the law?"

The Report has accurately summarized the existing situation:

(Fragmentation) and lack of clarity in the legal system, the blurring of settler civilian and military status, and high level military and political support for settler goals, combine to create a situation in which settlers are usually rewarded for their illegal actions

The settlement policy itself, the dual legal system imposed by the Israeli government in the occupied territories, the formation of regional defense units composed of settlers, and the inadequate prosecution of known offenders against the Palestinian population combine to make it extremely difficult to accept the contention that Israeli civilian settlers in occupied territory are not government agents. Consequently, the State of Israel must be held legally responsible for their activities under international law as specified in the Hague Convention Regulations of 1907 and the Geneva Civilians Convention of 1949.

In a report prepared for the International Centre for Peace in the Middle East in 1983, the distinguished Jewish humanitarian and Knesset member, Ms. Shulamit Aloni wrote:

The ruling authorities have ignored the principles of international pacts concerning the rights of a civilian population in occupied territory, undermined people's freedom and their basic rights, used collective punishment and punishment of the surroundings, and transformed humiliation into a system of rule.

Hague Convention IV and its Annexed Regulations along with the Geneva Civilians Convention are treaties of the United States and, therefore, under Article VI of the Constitution are part of "the supreme law of the land." Article 1 of the Civilians Convention provides in full:

The High Contracting Parties undertake to respect and to ensure respect for the present Convention in all circumstances.

Until the U.S. Government honors its obligation "to ensure respect" for the Convention by taking energetic measures to bring about Israeli compliance, the U.S. Government is also in violation.

Appendix A

The Geneva Convention Relative to the Protection of Civilian Persons in Times of War, August 12, 1949

Article 4

Persons protected by the Convention are those who, at a given moment, and in any manner whatsoever, find themselves, in case of conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals.

Nationals of a State which is not bound by the Convention are not protected by it. Nationals of a neutral State who find themselves in the territory of a belligerent State, and nationals of a co-belligerent State, shall not be regarded as protected persons while the State of which they are nationals has normal diplomatic representation in the State in whose hands they are

Part III

Status and Treatment of Protected Persons

Section I: Provisions Common to the Territories of the Parties to the Conflict and to Occupied Territories

Article 27

Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault.

Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion.

However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war.

Article 29

The Party to the conflict in whose hands protected persons may be, is

responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.

Article 31

No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

Article 32

The High Contracting Parties specifically, agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishment, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilians or military agents.

Article 33

No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited.

Pillage is prohibited.

Reprisals against protected persons and their property are prohibited.

Section II: Aliens in the Territory of a Party to the Conflict

Article 37

Protected persons who are confined pending proceedings or serving a sentence involving loss of liberty, shall during their confinement be humanely treated.

Article 42

The internment or placing in assigned residence of protected persons may be ordered only if the security of the Detaining Power makes it absolutely necessary.

If any person, acting through the representatives of the Protecting Power, voluntarily demands internment, and if his situation renders this step necessary, he shall be interned by the Power in whose hands he may be.

Section III: Occupied Territories

Article 47

Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.

Article 49

Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area have ceased.

The Occupying Power undertaking such transfers or evacuations shall ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.

The Protecting Power shall be informed of any transfers and evacuations as soon as they have taken place.

The Occupying Power shall not detain protected persons in an area particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand.

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

Article 52

... All measures aiming at creating unemployment or at restricting the opportunities offered to workers in an occupied territory, in order to induce them to work for the Occupying Power are prohibited.

Article 53

Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.

Article 54

The Occupying Power may not alter the status of public officials or judges in the occupied territories, or in any way apply sanctions to or take any measures of coercion or discrimination against them, should they abstain from fulfilling their functions for reasons of conscience.

This prohibition does not prejudice the application of the second paragraph of Article 51. It does not affect the right of the Occupying Power to remove public officials from their posts.

Article 58

The Occupying Power shall permit ministers of religion to give spiritual assistance to the members of their religious communities.

The Occupying Power shall also accept consignments of books and articles required for religious needs and shall facilitate their distribution in occupied territory.

Article 59

If the whole or part of the population of an occupied territory is inadequately supplied, the Occupying Power shall agree to relief schemes on behalf of the said population, and shall facilitate them by all the means at

its disposal. Such schemes, which may be undertaken either by States or by impartial humanitarian organizations such as the International Committee of the Red Cross, shall consist, in particular, of the provisions of consignments of foodstuffs, medical supplies and clothing.

All Contracting Parties shall permit the free passage of these consignments and shall guarantee their protection.

A Power granting free passage to consignments on their way to territory occupied by an adverse Party to the conflict shall, however, have the right to search the consignments, to regulate their passage according to prescribed times and routes, and to be reasonably satisfied through the Protecting Power that these consignments are to be used for the relief of the needy population and are not to be used for the benefit of the Occupying Power.

Article 64

The penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the Occupying Power in cases where they constitute a threat to its security or an obstacle to the application of the present Convention. Subject to the latter consideration and to the necessity for ensuring the effective administration of justice, the tribunals of the occupied territory shall continue to function in respect of all offences covered by the said laws.

The Occupying Power may, however, subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfill its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them.

Article 65

The penal provisions enacted by the Occupying Power shall not come into force before they have been published and brought to the knowledge of the inhabitants in their own language. The effect of these penal provisions shall not be retroactive.

Article 66

In case of a breach of the penal provisions promulgated by it by virtue of the second paragraph of Article 64, the Occupying Power may hand over the accused to its properly constituted, non-political military courts, on condition that the said courts sit in the occupied country. Courts of appeal shall preferably sit in the occupied territory.

Article 71

No sentence shall be pronounced by the competent courts of the Occupying Power except after a regular trial.

Accused persons who are prosecuted by the Occupying Power shall be informed, in writing, in a language which they understand, of the particulars of the charges preferred against them, and shall be brought to trial as rapidly as possible. The Protecting Power shall be informed of all proceedings instituted by the Occupying Power against protected persons in respect of charges involving the death penalty or imprisonment for two years or more; it shall be enabled, at any time, to obtain information regarding the state of

such proceedings. Furthermore, the Protecting Power shall be entitled, on request, to be furnished with all particulars of these and of any other proceedings instituted by the Occupying Power against protected persons.

The notification of the Protecting Power, as provided for in the second paragraph above, shall be sent immediately, and shall in any case reach the Protecting Power three weeks before the date of the first hearing. Unless, at the opening of the trial, evidence is submitted that the provisions of this Article are fully complied with, the trial shall not proceed. The notification shall include the following particulars:

- (a) description of the accused;
- (b) place of residence or detention;
- (c) specifications of the charge or charges (with mention of the penal provisions under which it is brought);
- (d) designation of the court which will hear the case;
- (e) place and date of the first hearing.

Article 72

Accused persons shall have the right to present evidence necessary to their defense and may, in particular, call witnesses. They shall have the right to be assisted by a qualified advocate or counsel of their own choice, who shall be able to visit them freely and shall enjoy the necessary facilities for preparing the defence.

Failing a choice by the accused, the Protecting Power may provide him with an advocate or counsel. When an accused person has to meet a serious charge and the Protecting Power is not functioning, the Occupying Power, subject to the consent of the accused, shall provide an advocate or counsel.

Accused persons shall, unless they freely waive such assistance, be aided by an interpreter, both during preliminary investigation and during the hearing in court. They shall have the right at any time to object to the interpreter and to ask for his replacement.

Article 73

A convicted person shall have the right of appeal provided for by the laws applied by the court. He shall be fully informed of his right to appeal or petition and of the time limit within which he may do so ...

Article 78

If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment.

Decisions regarding such assigned residence or internment shall be made according to a regular procedure to be prescribed by the Occupying Power in accordance with the provisions of the present Convention. This procedure shall include the right of appeal for the parties concerned.

Appeals shall be decided with the least possible delay. In the event of the decision being upheld, it shall be subject to periodical review, if possible every six months, by a competent body set up by the said Power.

Protected persons made subject to assigned residence and thus required to leave their homes shall enjoy the full benefits of Article 39 of the present Convention.

Part IV
Execution of the Convention
Section 1: General Provisions

Article 146

... Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts ...

Article 147

Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment ... wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person ... wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

Appendix B

Affidavits *

Affidavit 1

Source: Law in the Service of Man

I, the undersigned, _____, aged 40, occupation: housewife; from _____ in the West Bank declare that what follows is the truth, having been warned that if it be otherwise I am liable to legal penalty:

At about 10 pm on Saturday the (26th) of February, 1983, we were sitting watching television when suddenly I heard the terrifying noise of bullets inside the house, piercing the walls and passing through the window and door, and splintering all over the room where we were sitting — all fourteen individuals in our family. The only person injured by the splinters from the bullets was my daughter, 'Aliya, who is just five years old. She was sitting bewildered watching the television when she was injured in the foot and fell to the floor unconscious. The rest of the family were too shocked and terrified to understand what had happened; I went into another room to try and see the perpetrator, and from there I was able to observe eight armed persons walking around on foot and shouting aloud in English and Hebrew. I asked my children what their shouts meant, and they told me they were shouting: 'Leave this land, this is the land of Israel. We will slaughter you.' I kept watching the eight armed men, and was able to follow their path quite clearly because my house is elevated and lies next to Qiryat Arba settlement. The armed men kept going on foot until they got to the settlement of Qiryat Arba. I then went back, to find the house filled with fear, alarm and cries. At about eleven at night a deputy of the Hebron District Military Governor knocked at the door of my house and we told him what had happened, and he told us we could have her treated in hospital at the government's expense.

I took my daughter to the 'Alia Hospital and stayed with her there for two days. I then left the hospital and had just got to the entrance of my house when I met my son Fayeq (13 years old) who told me he was going to my daughter's house to tell her I had come back from the hospital ... I went into the house and my nephew came to tell me that Qiryat Arba settlers had kidnapped my son. Horrorstruck, I cried in anguish: 'My God! Enough of this torment!'

I put my daughter to bed, and then, together with my husband and some of the people who had come to congratulate my daughter on her recovery

*Affidavits were collected by LSM field workers and attorneys who have checked their veracity. Names are withheld or changed to protect the applicants. Original affidavits are available at the LSM office in Ramallah, West Bank and may be examined by "bona fide" researchers.

from the attack, went up to the settlement to ask about my son. The settlers there told me that my son had thrown snow at a car. I said, 'Yesterday you shot at us with bullets that could have killed a whole family if it hadn't been for luck ... while my son was playing in the snow and the snow hit one of your cars.' Meanwhile, the police came and took my son to the Military Government Center known in Hebron as 'El Umara,' in order to bring the victim. My husband and my son waited for more than three hours in the Umara for the person who was claimed to have been attacked with snow to appear ... however, he didn't turn up and my son was then released.

The fact that we find ourselves in such a closed-off and terrifying position means that we are continually in a state of tension, especially with these attacks, both former and present, which include most of the residential houses lying next to the settlement. Some four years ago our house was subjected to a demolition attempt on the pretext that it was built within the boundaries of the settlement, while the house was actually standing as a second floor on top of an old house already there. My son, too, aged just one year, was subjected to a hail of stones and got a stone in his face that almost cost him his life — that was when more than three hundred settlers attacked the house with stones in order to drive us out.

I put my signature to the above today, Friday, the fifteenth of April, 1983. Signed: (Name withheld)

Affidavit 2

Source: Law in the Service of Man

I, the undersigned, _____; aged 22; occupation: student at the Ramallah Teachers' Institute; resident of: _____ in the West Bank, declare that what follows is the truth, having been warned that if it be otherwise I am liable to legal penalty:

On (date withheld) 1982, at 9 am, Maysun _____ went to the shop to buy some things for the house. When she'd finished and was on her way home, a group of Jewish settlers from Qiryat Arba in Khalil shot her. Their bullets hit her in the head and fatally wounded her.

By chance, Mohammad Zaqqat, a resident of the camp who works as a cleaner for UNRWA there, happened to be nearby when this happened. He put her in a car that was passing and took her to 'Alia Hospital in Khalil, where, due to lack of sufficient modern medical equipment, they in turn moved her by ambulance to Hadassah Hospital in Jerusalem. In Hadassah they performed a surgical operation on her head and extracted three bullets. For three days and nights she was in Intensive Care.

On the fourth day, that is, Wednesday, I went to visit her in hospital. When I got there, my cousin, who was also going to visit her, told me that Maysun had died at twelve midnight. After that, they made out a death certificate for her, but refused to give us her body. They told us we had to get the body through the Israeli Military Governor, who promised to hand it over at 6 pm the same day she died.

After that, the Military Governor in Khalil summoned the mukhtar of the camp by telephone, and told him to come with just five people — the dead girl's father, brother, and three camp elders — to collect the corpse of Maysun _____.

The five-person delegation went to the Military Government building (el

Umara) in Khalil to take the body. The people of the camp told us that from 6 to 12:30 there was a helicopter flying low over the camp's main entrance to check the situation.

After our long wait and earnest beseeching of the soldiers in the Military Government building, they allowed us to take the corpse, on condition that news be sent to the camp to maintain order, or else the corpse wouldn't be handed over.

After long discussions and deliberations between us and the soldiers, they allowed us to take the corpse. At one in the morning we put the body in an ambulance. In front of us went twelve large vehicles full of armed soldiers and three military jeeps, with us bringing up the rear. When we reached the camp entrance, the soldiers surrounded the camp and the graveyard, and trained spotlights on the area. After assuring themselves of the situation, they allowed the ambulance to go down to the graveyard, where, under a very heavy guard, we took twelve-year old Maysun to pray over her corpse. At first they wouldn't allow us to pray over her, but then they did permit it for a short time. Finally, we placed her in the grave without her mother or sisters seeing her.

Hadassah Hospital is still demanding that we pay hospital fees of 13,000 shekels (in May 1982, the equivalent of \$650.00), and recently informed us that the longer they have to wait, the higher the amount will be. As a result of this, my father's Israeli ID was taken by the Military Governor until such time as the amount they are claiming from us be paid.

I put my signature to the above today, April 14th, 1983.

Affidavit 3

Source: Law in the Service of Man

I, the undersigned, aged 45, a baker from Nablus in the West Bank, declare that what follows is the truth, having been warned that if it be otherwise I am liable to legal penalty:

Question One: What relation are you to the dead girl?

Answer: Her father.

I am a baker and I live in Nablus. I support my family through the sweat of my brow and the yield of my humble bakery. On Thursday, December 8th, 1983, at four in the afternoon, I was baking *ka'ak* (a type of bread) in the bakery, which lies on the Street of the Prophets in Nablus. With me in the bakery were my daughter 'A'isha, her sister Fada' and one of my sons.

Question Two: What happened in the bakery?

Answer: At four o'clock in the afternoon, I was praying the afternoon prayer when I heard a lot of shooting. I looked around and found a settler inside the room. The shooting was coming from him, and for no reason, because there was nothing happening in the aforementioned area. My son was inside the bakery making the *ka'ak*, and when he heard the shooting he laid down on the floor. The settler called him to get up and to come out, but he was still afraid because he didn't know what was going on around him. I stopped my prayers at the sound of my daughters screaming for help and rescue;

the settler appeared, running, with his machine gun in his hands. I carried my daughters 'A'isha and Fada', who had been injured, outside to get help for them. They were both bleeding; their clothes were soaked with blood and likewise the floor. 'A'isha died on the way to the Rafidiya hospital in Nablus, and Border Guards came to the hospital and took her away to the Israeli Abu Kabir hospital for an autopsy. They refused to give her to us and prevented us from visiting her, but after a fight they allowed us to take her corpse, on condition that she be buried at twelve midnight and that only her immediate family participate in her funeral. Her relatives were forbidden to take part in the burial. The funeral was carried out as they had ordered, under heavy guard from the Border Guards, bristling with weapons. As to the injured Fada', she had been wounded in the mouth which caused several of her teeth to fall out, proving that the bullets used were of the type that can kill. One splinter lodged in her throat, and despite an emergency operation to remove it, performed in Rafidiya hospital, it is still there because the doctors are afraid of complications from extracting it. Fada' is still in hospital.

I declare that all the information given above is true and conforms with what happened, even if it is only a part of it all. I put my signature to it as such today, December 13, 1983.

Affidavit 4

Source: Law in the Service of Man

I, the undersigned, aged 20, owner of a restaurant in the Old City of Jerusalem, from _____ in the West Bank, declare that what follows is the truth, having been warned that if it be otherwise, I am liable to legal penalty:

After 1967, work began to restore the Jewish Quarter in the Old City of East Jerusalem. The Jewish Quarter Development Company took up the task of carrying this out, expanding and taking possession of a number of shops and buildings situated above the restaurant owned by myself and my father. Almost a year ago, in 1982, completion work began on the restoration of the building above our shop and flowers and gardens were planted above the roof of the shop which is situated in el-Bashoura market in Old Jerusalem. The company undertaking the restoration gave us certain papers guaranteeing there would be no damage done to the shop through the planting of gardens over the roof. As a result of the continual restoration work and attempt to expand in the above-mentioned market, the walls of the restaurant cracked and one of the walls collapsed. Immediately, we requested the company to repair the walls and sought compensation for the damage, according to the commitment they had made. However, the company refused and proposed the idea that we sell the restaurant to the company, but we refused. Since then, they have been using different means to put pressure on us to either close the restaurant or sell it to them. The above-mentioned company has undertaken restoration work in all the shops

in the market except for ours, in line with its plan to get control of the entire market through our shop, since the latter is considered the 'key' to el-Bashoura market and other neighboring markets too, as it has several entrances that give passage to other shops and markets. The plan and the continual attempts to pressure us into selling continued, in coordination with the Jewish Quarter Development Company. On 1/1/83, one of the settlers who had taken over the shop on top of ours, which belongs to the Islamic Waqf, opened up the roof of our shop, causing great amounts of dirt to fall into the shop and two large holes, both one meter square, to open up. Before this happened, we had informed everyone on the Jerusalem Municipal Council that digging was going on above the roof, leading to damage to the shop, but the municipality didn't stop the settler from continuing his operation, and we were issued an order stopping all acts of objection and protest. Those in the municipality prevented us from repairing our shop, the council's justification being that the settler pays large sums of cash to the municipality and we don't ... The settler continued his activity heedlessly, pushing us to go again to the municipality, but they didn't respond to our request. All they did for us was to give us a month's permit to repair and restore the shop. If the repairs didn't get done within the month, then they would issue an order for the shop to be vacated — this despite the fact that the internal repairs to the shop needed at least three months. At the end of December 1983, the police summoned us to their headquarters in Jerusalem and when we went, we found that the settler had made a complaint against us, charging that we had caused the two holes in the roof of the shop and damaged his shop above it. We weren't about to keep quiet about that, so we called in some of the workers who worked for the settler and whom he had told to make the two openings in the roof of the shop. They testified in the police station that they had indeed done this on the request of the settler. We also went to the Islamic Waqf Department and complained about the matter to them. They told us to continue repairing our shop, which we rent from them. The acts of provocation and intimidation practised by the settlers continue to date; they come to our shop and tell us every time to stop the building. However, we haven't yielded to their threats and are continuing to work at repairing our shop and to open it again in spite of the provocation.

I put my signature to this today, the 10th of January, 1984.

Signed: (Name withheld)

Affidavit 5

Source: Law in the Service of Man

I, the undersigned, aged 23, a housewife from _____ in the West Bank, declare that what follows is the truth, having been warned that if it be otherwise, I am liable to legal penalty:

At about twelve midnight on January 8th, 1984, I awoke to the sound of banging on doors, especially the doors of our house which lie on the Jerusalem road near the new el-Bireh school. Someone was throwing stones at the doors, thereby damaging them along with the tiled floor and other things. At the time, we were sleeping, me and my small daughter, but when this loud, alarming noise started up, I woke up and went to the door and asked who was knocking. Nobody answered, so I put the lights on in the house and began to scream: 'Thieves, thieves!' A little while after, I heard

someone; he was looking into the house at the same time that I was looking out through the window to see who was banging at the door. I heard him say: 'Don't shout, it's not thieves.' He was speaking in Arabic, and beside this man I saw another person carrying a gun. This armed man insulted me, and told me to shut my mouth and go inside, but I went on screaming. As soon as he heard the screams, my cousin made for our house. On his way to the house to rescue us, he was met by an Arab man, driver of an Egged (Israeli bus company) bus. He was driving the bus and told my cousin not to do anything because it was settlers. My cousin didn't say a word to the settlers, but came to the house and got us out. As I left the house, I saw a large number of settlers, maybe thirty, and I heard them speaking Hebrew but I don't know what they were saying. I also saw police cars which had come to the area, and the police asked us to follow them to the center. So we did, in our neighbor's car, which had all its windows smashed by the settlers' stonethrowing. We got into the car, and the broken glass had scattered all over the seats, but we were so afraid that we sat down on the little bits of glass and went off behind the police car to the police center in el-Bireh. When we got to the center, the bus in which the settlers were travelling arrived too. When we arrived we got out and the settlers got out — they were laughing. In the police station, two policemen sat with us and asked us about the incident and we described what had happened to us in detail. They asked us to identify the settlers who had been striking the doors or those we had seen, and they brought in all the settlers who had been on the bus. I looked at them all and recognized the person who had been standing in front of the window of our house and had insulted me; I was able to pick him out because he had a long beard, and was wearing a navy-blue jacket and a small scullcap. Our neighbor, Bashir, the one who had driven us there in the car that had had all its windows smashed, identified another settler. The police then took all the settlers out except for the two people we'd identified. The police took these people's fingerprints and the numbers of the IDs, and then a third settler came in and asked the police to let them go on a guarantee from him, and that is what happened. They all went off to the bus. The police told us to go home and said they would come to our house in the morning, as it was very late by this time (almost 3:30 am). We went home, and checked what had been broken in the house. We found that most of the glass in the veranda had been broken, and the door had been punctured by the stones thrown at it; the tiles on the veranda were also broken. The door to the kitchen from outside had also been hit by stones.

At about 7:30 the next morning, the Ramallah Military Governor came and examined the scene of the incident, but he didn't say anything, and the only question he asked us was if we had gone to the police or not, and I told him we had, after which he left. At about 7:45 am, the police came, and with them was the investigation officer, who counted the broken windowpanes, examined the scene of the incident and left. This is all that happened to us that night.

I put my signature to the above today, January 11th, 1984.
Signed: (Name withheld)

Affidavit 6**Source:** Law in the Service of Man

I, the undersigned, a student (Name withheld), 15 years old, from the _____ district West Bank of the river Jordan, declare under oath and proclaim the following:

On (Date withheld) at about 3:30 pm on Wednesday, I was walking with my friend (Name withheld) who is 17 years old, near the Military Government building in the district of _____, in the direction of the city, when a small VW car stopped in front of us and ordered us to halt. We realized that this might be a car belonging to the Jewish settlers who we had heard were kidnapping people, and the car had a yellow Israeli license plate, so my partner started to run. But then he returned when one of the occupants of the car tried to shoot at him, and then people in the car came out and pushed us into the car, and drove us to the Military Governor's headquarters in _____. There they made us sit in the corridor until a man came in with civilian clothes, like the rest of the settlers, and started cursing. Then a soldier led us to nearby tents, and when I started to speak to my friend, he beat us both. Later he took us to a place near the garbage bin and some of the soldiers started throwing stones at us. We stayed there about two hours in the headquarters until the other two, who first brought us in, came and pushed us into the same car and took us to the army camp near the village of _____ in the district of _____. They placed revolvers at our heads warning us that our end had come. We stayed in this condition, subjected to beating and cursing for 1½ hours. Finally, they released us, and we returned to our home in _____. We reached there around 7 pm.

This statement was signed (Date withheld), after I was warned to tell the truth under the criminal penalties of perjury.

Signed (Name withheld)

Affidavit 7**Source:** Law in the Service of Man

I, the undersigned, _____, 11 years old, from the village of _____ in the district of _____, swear under oath and declare the following:

At about 9:00 o'clock on Sunday morning, April 18, 1982, while I was at school as usual, a civilian car, an Opel with two settlers in it, came by. The settlers got out of the car and started firing shots on a gathering of students who were demonstrating. I ran to a nearby house and stood with a member of that family on the veranda, watching. One of the settlers came to us and called in broken Arabic for me to come to him. I refused and went into the house. He followed me inside and caught me and began beating me with his hands. Then he tried to pull me to the car, but my sister, who happened to be in the house, interfered and asked him to go with her to the mukhtar so that he (the mukhtar) could go along with them. He refused her request and led me, pushing me to the nearby car and took me to Ramallah where we were taken to the Military Government Headquarters. We stayed there about 10 minutes, then went to the Police station. I stayed there until 3:30 pm, then they let me go.

Signed (Name withheld)

I, the undersigned, aged 28, a housewife from East Jerusalem in the West Bank, declare that what follows is the truth, having been warned that if it be otherwise, I am liable to legal penalty:

On December 9th, 1983, at something like four o'clock, I was sleeping in my room that looks directly onto the street, when I was awakened suddenly by the sound of people running. I heard them saying 'Mahir, mahir,' which means 'Hurry, hurry.' This was spoken in Hebrew, and I understand a few words of Hebrew. The sounds were going in the direction of the area of higher ground, that is, to the south. A few moments later, I heard a loud noise which I reckoned to be banging on doors, and I thought it might be a campaign of arrests. I didn't want to wake my husband, because I was afraid he would be arrested. I kept quiet for awhile and the noise was repeated. I stayed inside the bedroom, because I was afraid that someone from the quarter was being arrested. However, the second time the noise came, my young son woke up and I took him to the bathroom. While doing this, I noticed that the house was lit up in a red light. I went to the window that opens onto the street and I saw that fires had been started in a number of cars standing across the street. I woke my husband up right away so that he could go and wake up the owners of the cars. My husband's car, an Opel, was among those set on fire. Immediately, everybody started putting out the fires in the cars which had been set alight, and which numbered about six. All the owners are residents of the quarter where we live.

I put my signature to this today, December 30th, 1983.
Signed: (Name withheld)

Appendix C

*Statement by MK Matti Peled to the Israeli Knesset, May 29, 1985**

(General Peled began his statement by praising the government of Israel for the May, 1985 prisoner exchange. Despite the government's continued use of the judicial fiction that the Palestinian prisoners are "criminals," the exchange was made on the basis of prisoners of war. He notes the similarity between this and the treatment of the Jewish underground by the British in the final days of the Mandate. Whereas the British had always treated the Jewish underground as criminals, near the end of the Mandate they treated them like prisoners of war. Ahmad Jabril (PFLP-GC) did not indiscriminately ask for the release of drug dealers, thieves and other criminals, but rather specified those prisoners who had acted in the national cause. The government had no choice but to accept this distinction. The deal was made between two adversaries, and not between those who uphold the law and those who break the law. There are precedents for the dialogue which resulted in the prisoner exchange, most notably the cease fire arranged through Philip Habib in July 1981, which brought peace and quiet to the area for almost a year. The current negotiations were also important because they took place between the rejection fronts on both sides. If these two sides can reach dialogue and understanding, even if only on the question of a prisoner exchange, this points to the immense power of dialogue as a means of understanding between the two adversaries. Peled does not see Jabril's conditions as unacceptable, and in fact, the government did accept them.)

If Jabril had asked that the government of Israel bring shame on the State as some personalities from the Likud are asking or like those who connect the prisoner exchange with the demand to release the members of the terror organization of the settlers in the territories, then the government would have had to reject such a demand even if it would have stopped the prisoner exchange.

Here is something that should be understood. The limited national perspective of those personalities from the Likud and those close to them, who call for a halt to the trial of the terrorists because they are Jews and their activity is directed against Arabs — such a thing brings damage and humiliation to Israel more than anything a person like Jabril could imagine. I have no doubt that these personalities from the Likud trapped the government of which they are members, when they voted for the prisoner exchange and deliberately supported it in order to be able to raise the demand to release the Jewish terrorists, whose purposes they accept and support. So

far this demand has not been accepted, and I hope that the government will have the strength to resist it in the future, so that the authority of the law will continue to be the rule.

But in the meantime, this demand prepared the way for the Jewish underground people to impose the rule of the Jewish Phalangists in the occupied territories. Since the Arab prisoners were released, there has been no law and no order in the territories. Day and night, the Jewish Phalangists rampage, violate public order, and hurt the population whose security is the responsibility of the Israeli government, while the security forces stand by, doing nothing.

From today on, there is no Jewish underground, but rather the rule of Jewish terror in broad daylight. If the government wants to preserve the State of Israel from total collapse, it has to act immediately to take the necessary steps to restore order. It must dissolve the so-called YESHA Council (Acronym for "Council of Jewish Settlements in Judea, Samaria, and Gaza;" literally "Salvation" in Hebrew), which in fact is the headquarters for all Jewish terror activities in the territories. It must impose a curfew on all the settlements from which these thugs come, and take away their weapons. And the government must place guards at the homes of the Arab citizens who were released, to fulfil its obligations to the agreement with Jabril, just as it expects Jabril to fulfil his obligations to the agreement.

We now face a new challenge. The challenge facing the government of Israel today is to respond positively to the Palestinian-Jordanian Peace Initiative, which is included in the agreement between the government of Jordan and the PLO, according to which the two parties will form a joint delegation for peace negotiations. In the agreement between the PLO and Jordan, the key for renewing the peace process is found within the framework of an international peace conference under the supervision of the United Nations. This is the issue to which the government of Israel should dedicate all its efforts.

The prisoner exchange deal could have been a turning point toward this development, because it could have been presented as a goodwill gesture by Israel. It is a pity that Israel presented it as a defeat and a concession made under pressure that the Israeli government could not resist. It is clear that no pressure whatsoever was practiced and that the government of Israel made a deal from its own free will. This deal should have been presented as a gesture which would be followed by an important political process. There is no doubt that a government which wants peace would have acted in this way. If the government had done so, we would not have heard the criticism from Japan and the United States. But alas, the government of Israel is not yet ready to change its skin from being the Israeli rejection front government to become the peace government. And this opportunity presented by the significant and impressive step of the prisoner exchange has been lost, as have so many opportunities in the past.

The government should understand the considerations cited by the Defense Minister (Yitzhak Rabin) when he explained the necessity to negotiate for the prisoner exchange, because there was no military option. I am telling you that there is no military option to the Palestinian-Israeli conflict, and that therefore, negotiations for peace must be initiated.

*Elected to the Israeli Knesset in 1985, General Matti Peled is a leader of the Progressive List for Peace and an outspoken advocate for peace and return of the West Bank and Gaza to the Palestinians.

Appendix D

“Interview with Mayor Bassam Shaka’a”

by Dr. Jan Demarest Abu-Shakrah

Nablus — 10 May 1985

(We summarized the main points of the preceding “Report on Settler Violence,” and asked for his response, both to settler violence in general, and to the car bomb attack in which he lost both of his legs.)

Mayor Shaka’a: One root of the settlers’ crimes is, first of all, in the Zionist ideology, because Zionism recognizes no limits, and looks for more land. 1948 was a starting point for them, which led to the Rhodes treaty; and from 1949 on, the Israeli policy was annexationist in a violent and oppressive form. In 1967, they occupied the rest of Palestine in addition to the Syrian Golan Heights; and 1982 (invasion of Lebanon) was an example of American-Israeli greediness, serving the strategic aims of imperialism. I see the Israeli settlement policy as a continuation of this ideology and racist offensive.

The crime begins when one agrees to live at the expense of the other, when one confiscates the land and builds settlements. This policy will never lead to peace and stability between the two sides. No man can forget his rights and accept hostility, and live with an inhuman, racist ideology. Such an ideology does not go together with human values, and it has no limits.

In my view, the settlers represent the official policy and not an individual policy, and the terrorist option is a result of this ideology. The Israelis who exposed the terror organization related to the phenomenon as a disciplinary matter, not as a criminal phenomenon ... This shows that the establishment itself supports terror and practices it.

The settlers who tried to kill me and my colleagues, the late Karim Khalaf and Ibrahim Tawil, actually did kill people. And the authorities have killed people, without following legal procedures. Many youths were called for interrogation and never came back. They died while being interrogated and their bodies were found later in the fields. And it is well-known that the authorities cooperated with the settlers on security issues. The military patrols who shot citizens were accompanied by settlers. Television cameras actually captured such an event during the infamous April of 1982. The assassination attempt in 1980 was not an isolated event, but only one event in a chain of official and settler activities.

A few months before I was attacked, it was decided to deport me from my homeland. They lied in order to deport me, claiming that I encouraged killing children and innocent people, which is simply not true. This was said in the Defense Ministry and was discussed in the Knesset. The issue became public, and all the Zionist media mobilized the people ... All this was done

to justify deporting me. Five months before the deportation order I was called to (Ezer) Weizman's office (then the Defense Minister). It was after a demonstration in Elon Moreh against Gush Emunim gangs, who tried to expropriate Rujeeb land, and the demonstration was one of the people's protests against the expropriation. The demonstration was a peaceful one, in which all our institutions took part. This demonstration was dispersed violently. As a result of this demonstration, I was called to Weizman, who told me literally that I would be "physically hurt if I continued with my political activities." He said this in his office in front of his senior aides. Three months later Mayors Kawasme and Milhem and the Sheikh Tamimi were deported; two months later was the assassination attempt; and two years later all the national Mayors were dismissed. This dismissal was a preparatory step for the invasion of Lebanon — one step in the war of extermination against the Palestinian people, the PLO and the Lebanese people.

All of this points to the settlers' violence as part of the official violence. Since the (officials) considered (settler violence) only a disciplinary issue, all the facts were not exposed.

There was an attempt to assassinate me, but in four years since, I was never asked about what happened to me, and nobody asked for my testimony, even after the terror organization was exposed. (This exposure of the organization later served political purposes for the Israeli authorities.) I did convey information about the event through my lawyer, Felicia Langer. For example, on the eve of the crime, two men came to me, claiming that they were the people who had attacked the settlers in Hebron (one month earlier, in which 6 settlers were killed). They told me that Abu-Jihad and Abu-Iyad (top PLO officials) told them that if they needed any help they could come to me. And they asked me for help. All this was a pure lie, and I told them off. After the assassination attempt, while I was lying in hospital, somebody from the Military Governor's office called my wife and told her that they had solid evidence that Fatah committed the crime. A group of investigators were asked by my children to see footprints in the garden. When they arrived to the scene, they erased the footprints and left without registering what they had just seen. The soldiers who came to take the car found my leg on the ground, and one of them told my daughter, while smiling: "Take this leg to the hospital. Maybe your father will need it."

The Military Governor in Jenin told the dismissed Mayor of Kabatia, "If you continue in your political activity, you will face the same fate Shaka'a and Khalaf faced." This indicates that he knew about the crimes, or if he didn't know, his use of the threat shows that he approves of the method.

The first time I saw an investigator was after the terror organization was exposed (four years after the assassination attempt). Two of them came from Jerusalem. They didn't relate at all to my information. They only wanted to know about the site of the explosion and about the footsteps I heard that night. They didn't relate to anything more than that. One of the leaders of the terror organization, Moshe Zar, who planned the assassination attempt, lives now as a free person in his castle in Qarnei Shomron (he was released for "medical reasons"). This castle was built on the land of a citizen from Jansfut, named Abdel Karim Yussef. Abdel Karim has a court verdict to regain his land, but he cannot impose it. People have told me that

this settler, Zar, has again started to harass people, and has tried to prevent Arab families from working their land. He also tried to kick Ahmed Abdel Hafez of Jansfut, off his land.

It is known that the settler terror gangs are treated as guests in the Israeli prisons. I don't need to add to what the papers tell us every day about the treatment they get.

The occupied territories are now under an ideological plan to change the whole structure of the area, in which the occupied territories will be connected to Israel economically, militarily and socially, and in which all vital services will be directed to settlements and settlers, while freezing Arab development and fully opening everything to the settlers. In line with this plan, Sharon announced the "iron fist" policy, but in fact this same policy was practiced under the Labor Party which is known for tactical maneuvers. All the crimes of the Labor Party — such as house demolitions, village destruction, and killing — were covered with the impression that the Labor Party was different from the Likud, more liberal and democratic. Today, the National Unity Government continues Sharon's line, simply using different terminology. The aggressive policy of Israel is supported by America, which America covers through initiatives like Camp David and the Reagan Plan. But in fact, all these initiatives are continuous with what imperialism has promised Israel since the Balfour Declaration. One of the Labor Party tactics is "unconditional negotiations," which really means that withdrawal from the occupied territories is a condition they will not accept. Their goal is to subject the Arabs to their racist, expansionist policy.

I am sure that these tactics won't work in the long run. Maybe it is funny to say that I'm an optimist, but I see every possibility that the Palestinians will regain their unity in order to contribute to pan-Arab solidarity, which will lead us to a new stage, enabling us to deal with the Palestinian issue as well as peace in the area.

*Mayor Bassam Shaka'a is the elected Mayor of Nablus and lost both legs in a June, 1980 car bombing by Jewish settlers. The interview was conducted by Dr. Jan Abu Shakrah at Mayor Shaka'a's home in Nablus (10 May 1985).

Appendix E

Interview With (Retired) Supreme Court Justice Haim Cohen. May 29, 1985. Jerusalem

Jan Abu Shakrah (interviewer): First, I'd like to ask you for your general response to the "Report," and then I have some other, specific questions.

Cohen: I told you even before I started to read it, and this first impression was only fortified upon reading it, that this is a one-sided compilation of newspaper reports on the criminal activity of Jewish settlers. Now, I am the last one to minimize the importance and the reprehensibility of this criminal activity, but you cannot really present the true picture of what this criminal activity is all about without giving some kind of account of the motivation. The motive may be irrelevant as far as conviction in a criminal court is concerned, but it is of the utmost importance — it really is indispensable — when you write a political report. Now this report does not read as if it were an objective report of what is going on in the settlements or in the West Bank at the hands of the settlers, but it reads like a piece of propaganda on behalf of the Palestinian movement. I'm not either a consumer or an admirer of hostile propaganda.

Abu Shakrah: So you think this is hostile propaganda?

Cohen: It reads like it. I'll express myself very carefully and delicately — it reads as if it were.

Abu Shakrah: Specifically, when you say that one should deal with the motivations of the settlers, what are you referring to — that their violent activity has a motivation I did not address in the report?

Cohen: What does not appear in the report is the very main thing — and that is that terror breeds terror. That is, the whole terror of the settlers cannot be understood or appreciated or even deprecated unless the situation in which they live, the terror from which they suffer, is given due prominence.

Abu Shakrah: So do you feel there is legitimacy to the settler claim that they are taking the law into their own hands?

Cohen: There is no legitimacy whatsoever for it, because no one may take the law into their own hands. I am speaking of criminal activity of the settlers — it is criminal, there is no doubt about it. But in such a report you must put things in their proper perspective.

Abu Shakrah: And what is this perspective?

Cohen: The perspective is that the terror the settlers practice — and it is utterly illegitimate and criminal — is bred by the terror practiced against them.

Abu Shakrah: What you are saying then is that even if settler violence is criminal, Palestinian resistance against the settlements and against the occupation is the motivation of the settlers to practice violence against the Palestinians?

Cohen: I have said nothing about Palestinian resistance. That's your expression. Palestinian resistance also can be very legitimate so long as you resist through political and diplomatic means, or even with propaganda — that's fine with me. But if Palestinian resistance is expressed in terror, then as you know, what you describe here (about settler terror) — then you know that Palestinian terror is much worse than settler terror. Well, you take statistics — how many victims are there of Palestinian terror and compare it with victims of settler terror. That is very easy to find. But I'm not speaking now of quantities so much. I'm speaking of the motivation —

Abu Shakrah: But, to take an example of settler terror against Palestinians — a farmer finds that settlers are sitting on and working his land. How is this settler activity a response to Palestinian terror? I don't see the connection here.

Cohen: No, no. I'm not speaking of land. There, other problems arise. But I'm speaking of acts of violence, of physical violence, which are quite frequent. I'm sorry to say.

The land again, is another chapter. You know, it's not for the first time in the history of law that trespassers trespass on somebody's else's land and deprive the owner of its use. This is reprehensible in toto. Again, I shall be the last to defend it. But these cases are very few. They are marginal cases, very exceptional. And the people who have done these things should have been brought to justice — if they haven't been. I don't know. I'm not quite in agreement with you in your assessment and appreciation of these committees which have been appointed by the military commander to look into these matters of opinion. I think these committees were appointed for the first time upon a decision of the Supreme Court that there should be some body to look into these matters, and that they should not be left to the discretion of the Military Commander. But be that as it may, I'm not so much concerned about these land cases as you and others may be. I'm concerned really about the typically criminal activities and of terror. The less violent they will be, the more courteous and more civilized they will be, the more courteous and civilized the Palestinian resistance will be.

Abu Shakrah: So you think that resistance to the occupation should be courteous?

Cohen: I think every human being should be courteous. And I firmly believe that the Palestinian resistance will have no prospect of success unless they use legitimate and diplomatic means. And then I hope they will be (successful). Well, you know I have the honor to preside over the International Center for Peace in the Middle East. That's exactly what we try (to do) — to bring both peoples together on a basis of mutual respect and understanding.

Abu Shakrah: I agree with you on the principle that people should be brought together on the basis of mutual respect. But when you have an inherently unequal situation, I don't see how this is possible.

Cohen: The more so! You know, I'm preaching not only to the Palestinians. I'm preaching even more so to Jews.

Abu Shakrah: Yes, and I think that is appropriate ... But before we get into that, I have a few specific questions about the statement you made after

the release of the Palestinian prisoners and the call to release members of the Jewish terrorist organization. You said — or at least were quoted in the Jerusalem Post as saying that “the President of the state has the power to free the members of the Jewish underground at once — both those who have been sentenced and those who are still on trial ... neither the mass release of convicted Arab terrorists ... nor a possible exercise of Presidential clemency in favour of the Jewish underground would harm or impair the judicial system.” In view of your position as expressed in your legal briefs and articles, a basic principle you uphold is the importance of preserving the spirit of the law, and not simply the letter of the law. And another issue here, it seems to me, in a democracy at least, is the legitimacy of the government and the judicial system derived from the consent of the governed ... In a democracy, the attitude of the people toward the law is quite important —

Cohen: Quite.

Abu Shakrah: In this context, do you feel that a decision of amnesty — either during or after the trial — would impair the legitimacy of the judicial system in a democracy.

Cohen: Are you speaking about the settlers or the (Palestinians) who have already been released?

Abu Shakrah: The settlers, but I’m interested in your response to both.

Cohen: As far as the release of the prisoners which has already taken place, as I have said in public, the President has exercised his prerogative and I’m the last one to begrudge any prisoner his freedom. On the contrary, I think that maybe granting these terrorists their freedom may convert them to become — to fight their fight of resistance legally. This is one thing. Quite another thing, as I have said, is that nothing the President does in exercising his prerogative of pardon can impair or in any way affect the supremacy of the rule of law of the judicial system. On the contrary, I don’t think any judge could have a restful sleep at night if it were not for the Presidential pardon to release a man from prison.

Now quite another thing is the question that has been raised in political circles and on the governmental level, about the possible release of the settlers — this is a matter *sub judice*. The settlers are still on trial. It is true that the President also has the power to interrupt a trial, but this has never been done before in Israel, nor, do I hope, will it ever be done. And again, the President, as far as my information goes, has never considered doing anything like this. But the public discussion of the desirability of, or the likelihood of, any one of these prisoners being pardoned after sentencing is, I think, a very, very grave offense against the rule that nothing should in any way influence the court in its judicial decision — and that includes anything that could influence, say, a lighter or severer sentence upon a prisoner — may be published so long as sentencing is pending. So I think the discussion that is going on here is a very, very grave offense against *sub judice*.

If and when the settlers (will have been sentenced) then there will be a question of whether or not to grant a reduction of sentence or whatever, which would depend not on the political issue at all, but on the individual merits of each man. For example, if a man has been sentenced to five years and has 17 children and they have nothing to eat, then you would have entirely different considerations, as compared with, say, a bachelor who has nothing to lose by sitting in prison.

Abu Shakrah: But don't you think that if the President does grant an amnesty — realistically speaking in the present political climate — that it would be based on political considerations?

Cohen: No, as far as I know our President, it wouldn't. It's true that it is difficult for a President to withstand public opinion; as you said before, the consensus of the people never has any impact on a court of justice, but it has and may have a certain impact on the decision of a President, who is not a judge. But our President happens to be an excellent lawyer, and I do not think that he will let alien considerations to enter.

Abu Shakrah: Looking now at the statements, not of the President, but of, for example, the Vice Prime Minister (Yitzhak Shamir) and others, some legal observers have commented that the fact that Shamir said what he said — linking the two events (of the Palestinian prisoner release and the possibility of the release of the Jewish terrorists) and expressing support for amnesty for the settler terrorists — has already damaged the system.

Cohen: The damage is done as soon as the publication of these statements was made, but there again, I would say that our judges — and you may quote me — including those judges who happen to be sitting in the settlers' case ...

Abu Shakrah: Including Bazak?

Cohen: Including Bazak. They are over and above any influence on a political level, and this is important. It is not easy for them anyway, especially Bazak who's a very orthodox man — it is very difficult for them to withstand their natural and ideological inclinations, but I think they are capable of doing it. And they are determined to do it.

Abu Shakrah: But considering the backdrop to this case, stepping outside the judicial system for the moment — what are your reflections about how such a situation comes about, that a Vice Prime Minister can say what he says and that such a large percentage ...

Cohen: Votes, my dear.

Abu Shakrah: Yes, but precisely that he can get votes by such a statement — what are the roots of this? I live with Palestinians and so far I have heard real horror stories about how the settlers are treating the released Palestinian prisoners and their families. The situation is very serious, very violent, and very scary ... Some settlers fired machine guns at a home with 30 people inside, including 20 children, who had to break off rocks from the walls inside the house as their only defense. This went on for five hours, and no authorities came to stop it.

Cohen: Did they call the authorities?

Abu Shakrah: When the authorities finally arrived, five hours later, they dispersed the settlers without questioning or arresting anyone. This is only one example. But the point is not one specific case, but the whole atmosphere, indicating that there are many people who don't give a damn about the rule of law, and ...

Cohen: As a sociologist, it shouldn't be too difficult for you to understand that this wholesale release of dangerous terrorists who have already proved either by acts or by what they were about to do and were capable of doing — this has instilled in these settlers or very many of them, a kind of panic. And out of this panic, they act fairly irrationally. But you cannot say that it is entirely unmotivated.

Abu Shakrah: Of course it's motivated, but it is rather disturbing. And what is even more disturbing is the response of the authorities. For sure the authorities must expect irrational behavior, but it is not very encouraging that a home can come under attack for so long, with the authorities doing nothing. It is disturbing that such a thing can happen.

Cohen: I agree.

Abu Shakrah: And this kind of thing did not start with the release of the Palestinian Prisoners. We have seen this before. Moreover, a large percentage of the Israeli public supports what the settler terrorists did. What are your reflections about the roots within Israeli society of such phenomena?

Cohen: Terror.

Abu Shakrah: Palestinian terror caused this?

Cohen: I include in Palestinian terror also the wars. You know, there is hardly a house in this country that has not either a son or a daughter dead or wounded, or several of them. It is almost inhuman to expect them to take this lying down ... And this is what I told you — that the ministers are out to get votes. They know that this is a very good occasion to incite especially those who have no rational considerations, but act from their very, very primitive but human emotions. They use this situation in order to make themselves popular. And of course they contribute to an ever greater inflammation of this.

Abu Shakrah: And doesn't this concern you?

Cohen: Again — terror breeds terror. It's always the same.

Abu Shakrah: So you think that if the Palestinians in the occupied territories were to sit quietly in their homes, that the settlers would not be violent, that there would be no calls to expel Palestinians, that ...

Cohen: Well, I don't think they can or ought to sit quietly, but they should be able to make peace.

Abu Shakrah: What legal means of resistance to the occupation, or what ways to make peace, do the Palestinians in the occupied territories have at their disposal.

Cohen: They could come forward — there have been innumerable offers. Now the last one was with King Hussein in Amman. If they had appointed then and there several people in the occupied territories who are anyway in contact with the military authorities, to stand up and speak for all the Palestinians — people who are not terrorists, not in anyway organized into the PLO or something — that's what we wait for.

Abu Shakrah: Weren't there elections on the West Bank in which local Palestinians indicated their preferred leadership?

Cohen: Yes, yes.

Abu Shakrah: And what happened?

Cohen: Yes, we know what happened with the mayors deported or dismissed from office. I was one of the Supreme Court who maintained that the deportations were quite illegal.

Abu Shakrah: Yes, I wanted to ask you something about the decision. As I understand it, in the appeal regarding the redeportation order, you were originally appointed to the President of the Court and that Justice Moshe Landau exercised his right to become President, and you were moved to —

Cohen: First of all, it's not true. He sat from the beginning. And secondly, if it were true, it would have made no difference whatsoever because a President has no greater voice or influence than any other judge.

Abu Shakrah: But I understood that Justice Ben Porat was to have been a member of the panel and was removed. With the two of you on the panel, the Mayors would not have been deported.

Cohen: It's simply not true. I think the deportation was a stupidity, apart from it being illegal, because they continued to make their seditious speeches all over the world, so we really gained nothing by it. But they (the judges) could have done otherwise; they were the right men to do it.

Abu Shakrah: In your dissenting opinion, you said something to the effect that whether they were good men or bad men had nothing to do with their right to due process of law.

Cohen: Right.

Abu Shakrah: Taking that same principle, applied to the Palestinian people, and their right to self-determination, is it relevant whether in the past the Palestinian people or their leadership made the right decisions, or ...

Cohen: No. If they came today, I promise we will forget everything.

Abu Shakrah: And if they do not come forward to negotiate in the way you want, if some Palestinians use violence, even if they are a despicable people — does this have any relevance to their rights?

Cohen: What do you mean by despicable? There are some Palestinians who think all Jews are despicable and there are some Jews who think that all Palestinians are despicable. But, between us, these people are of no consequence. They don't know what they are talking about. We speak of the equality and equal dignity of each human being.

Abu Shakrah: But — and you are very careful to say that Palestinian violence does not justify terror on the part of Jewish settlers. But on the other hand, we have here basically a political problem which must be handled on a political level, but also based on certain principles of international law and so on. It would seem to me very possible that even if the Palestinian leadership does decide to enter negotiations, that there will still be violence, and ...

Cohen: Maybe.

Abu Shakrah: Is it relevant?

Cohen: No.

Abu Shakrah: So you would support negotiations whether or not Israel approves of the Palestinian leadership and whether or not some Palestinians continue to exercise violence.

Cohen: I am positive there is no other way.

Abu Shakrah: But if terror on the part of what you call the Palestinian resistance should continue, we should regard this terror as criminal activity, and put the perpetrators of this kind of resistance on trial. But this has nothing to do with the negotiations. How can this principle be advanced?

Cohen: This is what we are trying to do. At the International Center for Peace in the Middle East, we are laughed at by very many people in this country and outside because we are said to be naive ... But I don't give up hope. I'm growing very, very old, and I shall not be here to finish the job. But I don't give up hope.

Abu Shakrah: Professor Leibowitz says that there cannot even be a discussion of the possibility of peace as long as there is an occupier and the occupied. That is, that first Israel must withdraw and then discuss the possibility of peace. Maybe then there will be war...

Cohen: If we sit together round a table and our negotiators say there can be no negotiations unless first of all you end the occupation, maybe we'll say, all right. As we did say with respect to Sinai. If we know that there will be peace, then ...

Abu Shakrah: But maybe there won't be peace ...

Cohen: Do you think occupation is a pleasure?

Abu Shakrah: But Professor Leibowitz is saying that the possibility of peace cannot be discussed between occupier and occupied. Once Israel withdraws and is no longer an occupier, then we can meet on an equal basis.

Cohen: He is not right there, because I think the occupation is a very good bargaining counter. We must have something to give you ...

Abu Shakrah: Wait a minute. Israel has much it can bargain with.

Cohen: I'm not so sure.

Abu Shakrah: So you want to hang on to the occupied territories.

Cohen: According to law, we have occupied the territories as a result of war. Returning them, or negotiating with them, should bring peace. That's what the law says: we are returning them. Maybe we will have them administered by their own population. I don't know what title Jordan has to them. But all this doesn't matter so much. The main thing is that we sit down at the table and start talking.

Abu Shakrah: But what Leibowitz is saying, and what I think most Palestinians would agree with, is that if we sit at a table with you while you have a state, a government, an army, and it is occupying our land — and we have none of this and live under military occupation as well, how are we in a position to talk, to bargain? We are not meeting on an equal basis.

Cohen: But you have 150 million Arabs around you, very mighty, very rich, and very powerful Arab states. And they all proclaim their identity with you.

Abu Shakrah: Words are cheap. But if you want to put it on that basis, don't you see that you are saying that power determines, and that if the Arab world does become powerful enough, interested enough, and united enough, so that their resources and numbers make a difference ...

Cohen: I'm only saying that as much power as we have — and I do not rank the quality and quantity of power we have as high as you do — but it doesn't really matter — as much power as we have, we must retain until we have something to bargain it for. We cannot abandon the power for nothing.

Abu Shakrah: I disagree with you.

Cohen: That you are fully entitled to do.

Abu Shakrah: No, I mean that if you want to handle matters on the basis of power — and I think this is how Israel has tried to deal with the Middle East in the past — it has worked for you in the short run, but in the long run, it won't.

Cohen: The longer it takes, the more difficult it will be. If we had come to an agreement in 1967, all of us would have been much better off. And we asked King Hussein to come to the table and he refused. The longer we have this bloody occupation, the worse.

Abu Shakrah: For Israel.

Cohen: Yes, for Israel. Power corrupts. So what we want is to get rid of it. Quickly. Soon. But not unilaterally ... I would rather have a local Palestinian entity, a state, or whatever, but there I am in disagreement with my government. They would rather have Jordan take over.

Appendix G

*“Deportation is not the final stage”**

Unless someone had said publicly that we should deport the Arabs, he should have been invented. His existence is very convenient for the enemies of Israel who claim that he expresses what all other Israelis think. Moreover, his existence serves the Messianic hawkish sector in Israel, people in Gush Emunim, Rabbis in the Hesder (Military) Yeshivot, leaders of the Jewish religious parties and even the ultra religious leaders of Agudat Israel. The technique is very simple and has been known to be used in history. When there is an extreme man, the camp close to him seems moderate in comparison. Rabbi Levinger, who condemns Kahane, thus seems sane, reasonable and even moderate.

But this tactic is transparent, since the real gap does not lie between Kahane and the seemingly sane Right, but between this Right camp and the “other camp”, the sane camp. In other words what Kahane says publicly, is what Levinger whispers in closed meetings and what Rafal thinks.

There is a simple way to examine this claim and it has been done by Dahaf (the well known public relations agency). Several weeks ago they tested the positions of the Jewish public concerning the problems of the Arab population in the territories. The results are frightening and should alarm anyone who still has any humane feelings left.

We should deport them to the Arab states — 15%.

We should let them live here with no rights, not even the right to vote — 43.5%.

We should give them equal civil rights in the state of Israel — 15.5%.

We should give them the right for self determination — 26%.**

Almost 60% of the urban Jewish population believes that the best solution is deportation or apartheid. This group is growing from year to year. Every Jewish generation born into the Greater Israel becomes more South African. If we examine those who support deportation we shall see that only one out of ten adults (age 30-60) supports deportation, while the younger generation (18-22) supports deportation in the rate of one out of four.

But the solution of deportation which contradicts the principles of Israeli democracy, contradicts the Declaration of Independence, is not the final solution in the plan of the mad Kach supporters. It is not the final solution for Messianic Zionism. Several weeks before he died Prof. Uriel Tal made a brilliant speech in which he analysed Gush Emunim and its periphery. (Some people say that the conclusions he reached in his work were the cause of his depression that led to his tragic death).

Prof. Tal claimed that Messianic Zionism in its relation to the Israeli Arabs passes through three stages. Basically it is a racist ideology. The first

stage is restriction of rights. This is the most moderate situation. They won't even consider peaceful coexistence of equals. The second stage is deportation. The third solution, and here the speaker's voice trembled, is genocide. Yes, cold blooded calculated genocide.

The idea of deportation is not a result either of security or of demographic considerations. It is based on a metaphysical concept, since we are discussing a Messianic movement. To them the Land of Israel is sacred and thus no impure person should be allowed to stand on it. The Arabs are the sons of Amalek and therefore they are impure. Therefore they must be deported.

Such an ideology makes no differentiation between fighters and civilians, between members of terror organizations and women and children. They are all considered the enemy, representing the forces of sacrilege in the world, forces that must be uprooted. And what about morality? Prof. Tal, who spent most of his life on researches concerning Anti-semitism and racism against Jews, found himself now confronted with Jewish racism. He quotes the basis of Messianic Zionism: "The Bible orders the People of Israel to be sacred and not ethical. The identification of morality and holiness is a Kantian invention, a rationalist invention of the modern age." Therefore it does not fit in with the concept of Judaism which is the opposite of rationalism.

The solution of transfer of Arabs on trucks is not the end of the story. There is a third stage concerning the Arabs. The ideologists of racist Zionism don't speak about it clearly, since conditions are not yet ripe. But the principles are clear and unavoidable. This is genocide, the mass murder of the Palestinian people.

The first public disclosure of this concept was made in February 1980 in the Bar-Ilan students newspaper Bat Kol. Rabbi Israel Hess stated there that the Arabs are the offspring of Amalek, and as we all know the Bible orders us to annihilate Amalek. Judaism has accepted for generations the idea that "Sanherib the Assyrian King came and confused the world," i.e. it is impossible to know who is the offspring of whom and therefore there is no need to maintain that commandment. But Rabbi Hess has other ideas. He writes it down very clearly: "The day is not far when we shall all be called to this Holy War of annihilating Amalek."

The Article published by Rabbi Hess caused no shock in the Jewish religious world. No Rabbi contradicted him. On the contrary, since then the issue of genocide has become a legitimate religious issue to be discussed, like any other debatable religious problem.

One soldier wrote to the Bnei Akiva paper: "And maybe the Arabs should be treated like Amalek?" And in the newspaper of the settlements in Judea and Samaria, Nekuda, someone states — no longer asks — that "the Arabs are the Amalek of present days." In another issue of Nekuda, a settler from Hebron writes: "In the struggle between us and the Arabs we are dealing with a struggle between nations ... When dealing with private crime we must punish the one who had sinned. When dealing with national struggle, in war, any uncircumsized man is the enemy."

Just as with the issue of the Jewish terror group, the public arguments are rational security, strategic arguments, but the truth lies elsewhere. Genocide, like deportation, like blowing up of the Temple Mount, is an idea that grows out of that Messianic ideology which already has representatives

in the Knesset, and which in the absence of any political educational force fighting it, is winning over the hearts of the younger generation in the Greater Israel.

*Translated from the Hebrew daily *Davar* (3 August 1984), article by Yoram Peri. Translation by Dr. Israel Shahak, Jerusalem.

**A 19 June 1985 poll by *Ha'aretz* concerning the pardoning and general amnesty of the Jewish Terrorist underground revealed the following results: 52.6% of the Israeli population polled supported an immediate release and pardon of the JTU, (without a trial); 4% supported a pardon after the trial; 35.5% opposed a pardon; the remaining 7.9% had no opinion.

Appendix H

*To Annihilate Amalek **

“The Messianic Political System reminds us of the Third Reich” — according to Professor Uriel Tal who researched both the racism in the European and (especially) German history and similar tendencies in Israel.

“The Messianic Political Stream in the State of Israel, as it is expressed in Gush Emunim, ‘The Whole Land of Israel’ movement, the (military) Hesder Yeshivot, The High School Yeshivot, the Religious State Education system and some of Religious Zionist Youth Movements, reminds us in its structure of the Third Reich.”

So said yesterday, Professor Uriel Tal in a speech which arose from his research on racism in European and German history and similar tendencies in the State of Israel. Prof. Tal, whose speech was followed with great interest, and whose research on this authentic subject is one of the first in the academic world in Israel, spoke in a meeting of the association “Forum” of the Tel Aviv University. The meeting’s subject was “Nationalism, Ethnic Discrimination and Racism.”

Prof. Tal added that this Messianic political stream creates the fear that the solution which is preferable is genocide, “and according to my best understanding there is an increasing support for this solution among the people in Israel.” Prof. Tal relied on written sources from the Halakha (Jewish Religious Law), *Nekudah*, (the magazine of Gush Emunim), and the utterances of Rabbis, such as Rabbi Shlomo Goren, Rabbis Kook the father and the son, Rabbi Israel Hess, Rabbi Yehuda Amital and Rabbi Shlomo Aviner. The words of the latter, according to Prof. Tal, serve as educational material for the Religious Youth Movements in Israel.

“The dogma of the Messianic Political Movement in Israel decides that we are fully inside the Messianic Era, in which the Land of Israel is being liberated not only from political enemies but from the Satanic Force (‘Sitra Ahara’ in Aramaic, which means ‘the other side’), a mystical force which embodies the evil, impurity, and corruption. According to this dogma, the ‘Era of Holiness’ toward which we are entering includes all the Zionist creation. This movement has the inner force of a mystical belief, in which there is no place for human or citizens rights since they are considered a part of the impure Western Civilization which should be exterminated. Relying on *Nekudah*, Prof. Tal said that, according to the Messianic Political Stream, the Lebanese War was a “Holy War” and the Israeli presence in Lebanon is a fulfillment of Biblical promises. He emphasized that the Messianic Political Stream defines the time of the Messianic Redemption as the present time, and insists that the Messianic Era defined as the “Cosmic Era” will not be realized in the Next World but in the existing one.

The expression of Rabbi Yehuda Amital who calls the State of Israel "The Kingdom of Israel," was compared by Prof. Tal to Nazi Germany ("still only from the structural point of view, not of the content"). "This is a rebellion against the national wisdom, in which the victory in the Yom Kippur War was aimed at the extermination of the foreign culture, and all those who aim at the combination of Judaism and the Western Civilization and Democracy are Satan's spokesmen." Rabbi Amital says "Take please the war in your hand because it is Salvation. War is a great mercy granted to us by the Holy Blessed One, because it purifies and spiritualizes the soul."

The Messianic Political Stream "sanctifies", according to Prof. Tal, "every floortile on which our legs stand, so that a human being has no refuge left. All the historic symbols are materialized, and so it was in the Third Reich (again from the structural point of view)." According to Prof. Tal who emphasized at the beginning of his speech that "I say this not as a critique but as a conceptual and factual attempt to analyze the Messianic Political Stream, there is no place for a Non Jew in the State of Israel according to this stream," which has a well ordered dogmatic system of thought.

The solution is, as was said, genocide Israeli style, or in the language of (Jewish) sources: "The commandment of Amalek," which gives them a racist and warlike and strategic reason.

"The name given already to the new party, yet to be formed "lights" ("Orot") is also materialization of symbols by the new stream, which establishes a new precedent in the Jewish Tradition, by filling up of the present time space by the hidden (Divine) sparks, and this in order to purify and to put up the (Divine) light to its primordial source," said Prof. Tal at the end of his speech.

Prof. Shaul Fridlander has spoken about a symposium in which he participated and in which he was asked by the German elite but the intellectuals did not comprehend the beginning point of Nazism in order to strangle it and so to prevent it from spreading: "I don't know the answer. I don't know where the point was in which it was possible to prevent the phenomenon." He said, "The dangerous stage is when the policy of the authorities helps or defends the racist tendencies. It will be a big advance if we could put our finger on such a point of beginning in this meeting."

*Translated from the Hebrew Daily, *Al-Hamishmar* (12 March 1984), by Hanna Kim. The late Prof. Uriel Tal, the leading Torah scholar in Israel, was Professor of Jewish Law at Tel Aviv University until his death.

Appendix I

*"They (Palestinians) Must Go"**



IT IS TIME

ZEEERO!

(Zionist Emergency Exile
Evacuation Rescue
Organization)

P.O.B. 425 Midwood Station
Brooklyn, N.Y. 11230
(212) 934-1223

**THE ARABS
OF ISRAEL:
Time Bomb
Waiting
to Explode**



JEW.

**IT CAN HAPPEN AGAIN!
COME HOME
DEAR AMERICAN JEW!**

Two messages that no Jewish leader dares to speak to you about. Your life and those of your people depend on your hearing them:

ONE:

SOME 45 YEARS AGO, the great Zionist leader Z'ev Jabotinsky said: "JEWS! LIQUIDATE THE EXILE BEFORE IT LIQUIDATES YOU!"

SOME 3500 YEARS AGO, the Torah said it first: "AND AMONG THOSE NATIONS SHALL YE FIND NO REST..." (Deuteronomy 28)

TODAY; We of Rabbi Meir Kahane's Kach Movement (JDL of Israel) have created a movement called ZEEERO (Zionist Emergency Exile Evacuation Rescue Organization) to plead with you before it is too late:

"American Jew, Evacuate: flee the graveyard of the exile and escape to Israel, your home, today, before catastrophe strides. A tragedy of massive proportions is coming to America and the spectre of horrible Jew-Hatred looms. Get out. COME HOME. NOW. BEFORE IT IS TOO LATE FOR YOU AND YOUR LOVED ONES.

TWO:

Another message that the little, timid Jewish leaders do not dare to tell you:

Despite all illusions and delusions, the Arabs of Israel are strangers in a Jewish, Zionist State. They hate Israel and look forward to its elimination in favor of a "Palestine." Their incredibly high birth rate threatens Israel as surely as any war. Join with us in calling for a Knesset law and government — JEWS TO ISRAEL, ARABS TO THEIR OWN LANDS.

The removal of the Arabs of Eretz Yisrael will save the Jewish State another Northern Ireland.

American Jew! You are cursed with small, ignorant and myopic Jewish leaders. They will destroy you. Listen to our words. Take heed. It is your life that is at stake.

THE KACH MOVEMENT (Jewish Defense League of Israel)
31 Usishkin Street, Jerusalem (02) 661994 or 526127

(In Israel, you can hear Rabbi Meir Kahane speak every Monday and Thursday evening at the above address at 8:45 PM. In the United States, if you want to arrange for him to speak in your community or get his writings or tapes contact: THE JEWISH IDEA, POB 425, Midwood Station, Brooklyn, N.Y. 11230.

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JDL

76 Madison Avenue
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*This Appendix is a reprint of flyers distributed by Rabbi Kahane's Kach Movement in Israel and New York.

Appendix I (continued)

An Hour Before Midnight

JEWISH TOURIST, WHAT CAN YOU DO FOR YOUR PEOPLE AND STATE? FOR YOURSELF!

WHILE IN ISRAEL —

* *Beware of the young Arab who seeks Jewish women.* Often, he tells you he is an Israeli. Ask for his identity card. **DO NOT BE ASHAMED** (It can save you terrible grief later on). Do not feel pity for him; he is not oppressed. The best thing is not to have anything to do with him. Date only Jews and do not believe for a moment that the Arab who seems so friendly really loves or respects you.

* *If you study at a university in Israel, be especially wary.* Arabs live with Jews in dormitories and they are — to a person — avid followers of the PLO. Do not date them or have social contact with them. Above all, do not enroll in schools such as Hebrew University, Tel Aviv University or Haifa University, whose policies towards Arabs are tragic.

* *Do not enroll in or send your child to a kibbutz that is non-religious.* Not only is Judaism lacking but for the most part there is a terrible lack of nationalism and belief in the right of the Jewish people to the entire land. The worst of those who call for a "Palestine" state come from the kibbutzim. And beware of the gentle volunteers who work on almost every non-religious kibbutz. Do not send your child to Israel through the American Zionist Youth Foundation (AZYF).

* *Do not buy in the market place of those who do not recognize Israel and who hate the Jewish state.* Your money goes to help your enemy.

* *Beware of the Christian missionaries who cunningly hide behind pro-Israel institutions.* Especially be wary of the so-called Christian Embassy and its director William van der Hoeven. This is a clever center of missionary work. Also, beware of book stores along Jaffa Road and other places that are camouflaged missionary centers.

Meir Kahane MUST BE HEARD!

At a time of crisis, in this historic moment that holds within it the potential for glorious redemption or terrible tragedy, when Jews seek answers —

The words, thoughts and ideas of the Jewish rebel of the mainstream must be read and listened to, studied and taught, brought to the mind of every Jew in every land —

You can hear Rabbi Kahane speak in Israel
YOUR TEMPLE OR GROUP.

- ☐ Please send me a list of Rabbi Kahane's writings, and tapes.
☐ I want Rabbi Kahane to speak in my synagogue, group, or home.
Please contact me.

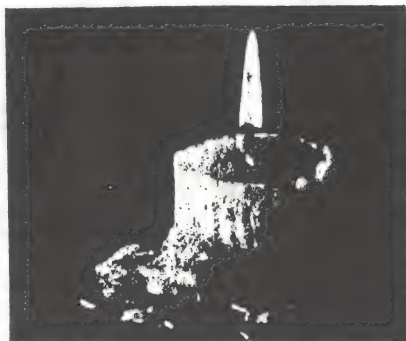
Name _____

Address _____

Phone _____

The Jewish Idea _____

P.O.B. 425 Midwood Station
Brooklyn, N.Y. 11230
(212) 934-1223



* *Note the anti-religious and anti-nationalist bias of the Jerusalem Post.* Consider very carefully a paper that is so inimical to the best interests of Israel. Do you subscribe to its overseas edition?

* *Vote in the referendum on whether Israel should be a Jewish State, no matter what, or if it must allow the Arabs to become a majority if their population grows to warrant it.* Forms can be gotten at the Kach office, 31 Usishkin Street.

* *Visit the unique, impressive Museum of the Potential Holocaust for a frightening view of TODAY's Nazis and haters in America.* The address is: 31 Usishkin St., Jerusalem.

* *Drop in at a yeshiva for beginners who seek to return to authentic Judaism.* Try Machon Meir on Meiri Boulevard, Jerusalem.

AND BACK IN THE EXILE —

- 1) *Join the Jewish Defense League* and stand up for people, country and faith.
- 2) *Continue your Jewish studies.* Keep up the return to real Judaism.
- 3) *Come on Aliya. Come home, before it is too late.*

THE JEWISH IDEA



KACH

JEWISH DEFENSE LEAGUE OF ISRAEL

31, Usishkin Street, Jerusalem

(02) 690555; 526127; 247202



Appendix J

JERUSALEM POST
2 MAY 1985

Gush Emunim heads 'knew of terror plans'

BY DAVID RICHARDSON, Jerusalem Post Reporter

At least seven rabbis, among them the foremost spiritual leaders of the Gush Emunim settlement movement, were consulted, informed and aware of various stages of the activities and plans of the Jewish terror organization, according to a statement given to the police by accused terrorist leader Menahem Livni.

Among those mentioned in Livni's 27-page affidavit submitted to the Jerusalem District Court yesterday are Rabbis Zvi Yehuda Hacohen Kook, the former Sephardi chief rabbi Ovadia Yosef, Moshe Levinger, MK Eliezer Waldman, Yoezer Ariel, Dov Lior and Shlomo Aviner.

Waldman, Levinger, Lior and Ariel all participated in a meeting, following the 1980 Hebron Beit Haddassah attack in which six Jews died, where it was unanimously decided to mount a mass retaliatory attack on the Arab population in the territories "to deter the local population and the PLO from making similar attacks in the future," according to the statement.

"Rabbi Eliezer Waldman (now a Tehiya MK with parliamentary immunity) approached me after the meeting and asked to be personally involved in the attack but I thought that that was not possible," Livni said.

Livni's statement, submitted formally to the court as evidence yesterday following this week's majority decision to accept it significantly widens the alleged circle of people who knew of the underground's activities

Waldman and Levinger have pre-

viously been questioned by the police, and their names have repeatedly been raised during the court proceedings. In addition, police are still searching for both Yossi Eindor, who is alleged to have participated in the attack on the former mayor of Al Bira and is said to be at large in Israel, and for Ira Rappaport, the Gush Emunim emissary in New York, who is alleged to have planted the bomb in the car of former Nablus mayor Bassam Shak'a. Rappaport has refused to return to Israel.

In July last year *The Jerusalem Post* reported that a still unidentified "third man" was said to have been involved in an abortive attempt on another West Bank Palestinian figure, according to statements made by his alleged accomplices, Ze'ev Friedman and Uri Maier. Maier has already been convicted and jailed after concluding a plea-bargaining agreement with the prosecution.

A senior official involved with the affair has now revealed that Friedman and Maier were willing to provide the name of their alleged accomplice "but the price they demanded was much too high."

Asked last night why the prosecution had not pursued the information revealed in Livni's statement, Justice Ministry spokesman Yitzhak Feinberg said: "There was a police investigation and insufficient evidence was found to bring charges to court."

At first it was decided to attack the mayors of Hebron and Halhoul, according to Livni, but following the conspicuous activities of the Palestinian National Guidance Committee in the West Bank and Gaza it was

also decided to attack some of its leaders. "I reported to Rabbi Levinger what targets had been selected and he objected to them strongly and argued that there had to be a mass attack to deter further attacks (on Jews)," Livni said.

Following the killings of Aharon Gross and Esther Ohana in the Hebron area, Livni discussed the need for further reprisal attacks – such as the bomb attacks on the mayors – with Waldman and Levinger and other people who live in Hebron. Details of this part of Livni's confession were barred from publication by the court since they deal with the 1983 attack on the Hebron Islamic

University which is the focus of another, separate trial.

Referring to the plan to destroy the Dome of the Rock, Livni alleged that one of the people who approached him in connection with this affair told him that Rabbi Ovadia Yosef had spoken approvingly of the idea. Levinger, according to Livni, had mentioned the real ideological father of Gush Emunim, Rabbi Zvi Yehuda Hacohen Kook, as approving the idea of mass attacks on the Arabs.

Levinger and Waldman last night both refused an Israel Radio request to comment on the allegations in Livni's statement.

Appendix K

“A Bride on the Road”

Note: Ilham Abu Zarour, 20, was shot dead by a settler on a Nablus street, July 26, 1983 — the same day as the massacre in Hebron. Her marriage to her cousin Bassam was to have taken place five days later. The following are excerpts from a short story about her, written by Salman Natour, a Palestinian author from Haifa. Translator Said al-Ghazali.

She was four when he was ten. Her soft, wine-colored hair flowed down over her shoulders, her fingers were as long as ears of corn and wisps of hair covered her wide brow, shading her soft skin from the sun's rays that darkened. Anybody who asked, “Where are you from, young girl?” would believe her answer. “I am from Nablus, or the mount of fire.” The fire that was discharged by an Israeli tank was perhaps olive-green coloured, black-gray, blue-yellow. Damn! I cannot remember its colour. It bombarded an harbour and hit two people. The child of four years old had watched the tank firing one hot June day.

She remembered the hellish details of her return to home and how she did not understand peoples' questions: “Where are you from, young girl?” She continued walking, and the land seemed unable to carry her fragile body. The deserted streets shook as if there was an earthquake. The summer sun's rays seemed to consume her frightened heart — she could not explain it. “Do they remain? They will not remain.” She buried her fingers in his hands and lapsed into silence to slow her beating heart.

“Why do they besiege the town?” she asked her mother, but did not receive an immediate response. “Those who have a long time to live will be saved,” her mother mumbled and hastened home along Palestine Street.

Ilham wanted to get home to bury her head in her mother's lap so that her honey-coloured eyes would see neither the frightening ghosts in the streets nor the fire launchers.

“Do they kill children?” she asked her mother and buried her face in the mother's warm lap, her soft hair strewn on her colored dress.

... On the day of her death she was returning from Jerusalem. “What a miserable state we've reached,” she mumbled, and her mother did not understand what she said. Tears swam through her eyes — she was anxious for unknown reasons.

She was preoccupied thinking about the young men shot at the university. She thought of what was happening now in Nablus. “Perhaps the army closed the town,” she told herself, watching the traffic until the car passed the mud huts of Balata camp.

In the prison courtyard, military vehicles were ready to move quickly into the streets of the town, but this scene was not unusual. When the car stopped in the centre yard of the town her mother interrupted her dreams. "Let's go home down Palestine Street," she said. Since Ilham had grown up she had never contradicted her mother, but this time she said, "No, mother, the Anabtawi Building way is faster."

The groom looked at her picture with tired eyes and placed it on his chest. "I was at my carpentry shop when I heard the news. They said that my cousins were wounded and taken to Rafidia Hospital. I ran there. My brother told me that Mariam was in the operating room. I asked, 'Where is Ilham?' 'May God help you,' he replied. I thought that she was wounded. Then I heard crying and wailings and they said Ilham had died.

"A day before we had spent the whole night writing wedding invitations and look what has happened. Somebody stopped his car and started shooting aimlessly."

The father, brother, sister, uncle and mother all left the house at midnight, only three days before her wedding to join her funeral procession. They carried the coffin upon their shoulders. Ilham, her honey-colored eyes closed, was placed on the wooden board. Her soft, delicate body shook as the procession approached the cemetery. The music did not start, and even the prayers were silenced. "Bury her quickly and quietly," the assassin who accompanied the funeral ordered.

"Do they kill children?" Ilham had asked her mother when she was four. And she did not get an answer.

Appendix L

Statement of the Legal Advisor, Department of State, concerning the legality of settlements in the occupied territories, April 1978

THE LEGAL ADVISOR

Department of State
Washington

April 21, 1978

Dear Chairman Fraser and Hamilton:

Secretary Vance has asked me to reply to your request for a statement of legal considerations underlying the United States view that the establishment of the Israeli civilian settlements in the territories occupied by Israel is inconsistent with international Law. Accordingly, I am providing the following in response to that request:

The Territories Involved

The Sinai Peninsula, Gaza, the West Bank and the Golan Heights were ruled by the Ottoman Empire before World War I. Following World War I, Sinai was part of Egypt; the Gaza Strip and the West Bank (as well as the area east of the Jordan) were part of the British Mandate for Palestine; and the Golan Heights were part of the French Mandate for Syria. Syria and Jordan later became independent. The West Bank and Gaza continued under British Mandate until May, 1948.

The Honorable
Donald M. Fraser, Chairman
Subcommittee on International
Organizations,
Committee on International Relations
House of Representatives.

The Honorable
Lee H. Hamilton, Chairman
Subcommittee on Europe and the
Middle East,
Committee on International Relations,
House of Representatives.

In 1947, the United Nations recommended a plan of partition, never effectuated, that allocated some territory to a Jewish state and other territory (including the West Bank and Gaza) to an Arab state. On May 14, 1948, immediately prior to British termination of the Mandate, a provisional government of Israel proclaimed the establishment of a Jewish state in the areas allocated to it under the partition plan. The Arab League rejected partition and commenced hostilities. When the hostilities ceased, Egypt occupied Gaza, and Jordan occupied the West Bank. These territorial lines of demarcation were incorporated, with minor changes, in the armistice agreements concluded in 1949. The armistice agreements expressly denied political significance to the new lines, but they were de facto boundaries until June, 1967.

During the June, 1967 war, Israeli forces occupied Gaza, the Sinai Peninsula, the West Bank and the Golan Heights. Egypt regained some territory in Sinai during the October, 1973 war and in subsequent disengagement agreements, but Israeli control of the other occupied territories was not affected, except for minor changes on the Golan Heights through a disengagement agreement with Syria.

The Settlements

Some seventy-five Israeli settlements have been established in the above territories (excluding military camps on the West Bank into which small groups of civilians have recently moved). Israel established its first settlements in the occupied territories in 1967 as para-military "nahals". A number of "nahals" have become civilian settlements as they have become economically viable.

Israel began establishing civilian settlements in 1968. Civilian settlements are supported by the government, and also by non-governmental settlement movements affiliated in most cases with political parties. Most are reportedly built on public lands outside the boundaries of any municipality, but some are built on private or municipal lands expropriated for the purpose.

Legal Considerations

1. As noted above, Israeli armed forces entered Gaza, the West Bank, Sinai and the Golan Heights in June, 1967, in the course of an armed conflict. Those areas had not previously been part of Israel's sovereign territory nor otherwise under its administration. By reason of such entry of its armed forces, Israel established control and began to exercise authority over these territories; and under international law, Israel thus became a belligerent occupant of these territories.

Territory coming under the control of a belligerent occupant does not thereby become its sovereign territory. International law confers upon the occupying state authority to undertake interim military administration over the territory and its inhabitants; that authority is not un-

limited. The governing rules are designed to permit pursuit of its military needs by the occupying power, to protect the security of the occupying forces, to provide for orderly government, to protect the rights and interests of the inhabitants and to reserve questions of territorial change and sovereignty to a later stage when the war is ended. See L. Oppenheim, 2 International Law 432-438 (7th ed., H. Lauterpacht ed., 1952); E. Feilchenfeld, The International Economic Law of Belligerent Occupation 4-5, 11-12, 15-17, 87 (1942); M. McDougal & F. Feliciano, Law and Minimum World Public Order 734-46, 751-7 (1961); Regulations annexed to the 1907 Hague Convention on the Laws and Customs of War on Land, Articles 42-56, 1 Bevans 643; Department of the Army, The Law of Land Warfare, Chapter 6 (1956) (FM-27-10).

In positive terms, and broadly stated, the Occupant's powers are (1) to continue orderly government, (2) to exercise control over and utilize the resources of the country so far as necessary for that purpose and to meet his own military needs. He may thus, under the latter head, apply its resources to his own military objects, claim services from the inhabitants, use, requisition, seize or destroy their property, within the limits of what is required for the army of occupation and the needs of the local population. But beyond the limits of quality, quantum and duration thus implied, the Occupant's acts will not have legal effect, although they may in fact be unchallengeable until the territory is liberated. He is not entitled to treat the country as his own territory or its inhabitants as his own subjects,...and over a wide range of public property, he can confer rights only as against himself, and within his own limited period of de facto rule. J. Stone, Legal Controls of International Conflict, 697 (1959).

On the basis of the available information, the civilian settlements in the territories occupied by Israel do not appear to be consistent with these limits on Israel's authority as belligerent occupant in that they do not seem intended to be of limited duration or established to provide orderly government of the territories and, though some may serve incidental security purposes, they do not appear to be required to meet military needs during the occupation.

2. Article 49 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, August 12, 1949, 6 UST 3516, provides, in paragraph 6:

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

Paragraph 6 appears to apply by its terms to any transfer by an occupying power of parts of its civilian population, whatever the objective and whether involuntary or voluntary.* It seems clearly to reach such in-

*Paragraph 1 of Article 49, prohibits "forcible" transfers of protected persons out of occupied territory; paragraph 6 is not so limited.

volvements of the occupying power as determining the location of settlements, making land available and financing of settlements, as well as other kinds of assistance and participation in their creation. And the paragraph appears applicable whether or not harm is done by a particular transfer. The language and history of the provision lead to the conclusion that transfers of a belligerent occupant's civilian population into occupied territory are broadly proscribed as beyond the scope of interim military administration.

The view has been advanced that a transfer is prohibited under paragraph 6 only to the extent that it involves the displacement of the local population. Although one respected authority, Lauterpacht, evidently took this view, it is otherwise unsupported in the literature, in the rules of international law or in the language and negotiating history of the Convention, and it clearly seems not correct. Displacement of protected persons is dealt with separately in the Convention and paragraph 6 would be redundant if limited to cases of displacement. Another view of paragraph 6 is that it is directed against mass population transfers such as occurred in World War II for political, racial or colonization ends; but there is no apparent support or reason for limiting its application to such cases.

The Israeli civilian settlements thus appear to constitute a "transfer of parts of its own civilian population into the territory it occupies" within the scope of paragraph 6.

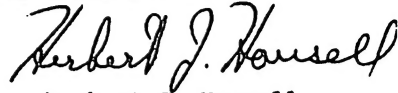
3. Under Article 6 of the Fourth Geneva Convention paragraph 6 of Article 49 would cease to be applicable to Israel in the territories occupied by it if and when it discontinues the exercise of governmental functions in those territories. The laws of belligerent occupation generally would continue to apply with respect to particular occupied territory until Israel leaves it or the war ends between Israel and its neighbors concerned with the particular territory. The war can end in many ways, including by express agreement or by de facto acceptance of the status quo by the belligerents.

4. It has been suggested that the principles of belligerent occupation, including Article 49, paragraph 6, of the Fourth Geneva Convention, may not apply in the West Bank and Gaza because Jordan and Egypt were not the respective legitimate sovereigns of these territories. However, those principles appear applicable whether or not Jordan and Egypt possessed legitimate sovereign rights in respect of those territories. Protecting the reversionary interest of an ousted sovereign is not their sole or essential purpose; the paramount purposes are protecting the civilian population of an occupied territory and reserving permanent territorial changes, if any, until settlement of the conflict. The Fourth Geneva Convention, to which Israel, Egypt and Jordan are parties, binds signatories with respect to their territories and the territory of other contracting parties, and "in all circumstances" (Article 1), in "all cases" of armed conflict among them (Article 2) and with respect to all persons who "in any manner whatsoever" find themselves under the control of a party of which they are not nationals (Article 4).

Conclusion

While Israel may undertake, in the occupied territories, actions necessary to meet its military needs and to provide for orderly government during the occupation, for the reasons indicated above the establishment of the civilian settlements in those territories is inconsistent with international law.

Very truly yours,

A handwritten signature in dark ink, reading "Herbert J. Hansell". The signature is written in a cursive style with a large, stylized initial 'H'.

Herbert J. Hansell

Other Special Reports By The Palestine Human Rights Campaign

Report #1 — *"A Morning in Shatila Camp"*

Report #2 — *"The Missing in Lebanon"* (The Kin of the Missing in Lebanon)

Report #3 — *"A Profile of the Palestinian People"* (Edward Said, Ibrahim & Janet Abu-Lughod, Muhammed Hallaj, and Elia Zureik)

Report #4 — *"Jerusalem"* (An Evangelical Christian Response to Proposed Legislation re. Moving the U.S. Embassy from Tel Aviv).

Report #5 — *"All in the Name of the Bible"* (H. Haddad and D. Wagner) \$5.75.

Report #6 — *"Israeli Settler Violence in the Occupied Territories: 1980-1984"* (J. Abu-Shakrah, Betz, Wagner, et. al. \$7.95).

Copies of Report #6 — *"Israeli Settler Violence in the Occupied Territories: 1980-1984,"* may be ordered through

Resources For Change in the Middle East
P.O. Box 53365
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Address all correspondence to:



The Palestine Human Rights Campaign
1 Quincy Court
220 South State Street, Suite 1308
Chicago, Illinois 60604
(312-987-1985)

“From today on, there is no Jewish (terrorist) underground, but rather the rule of Jewish terror in broad daylight. If the government wants to preserve the State of Israel from total collapse, it has to act immediately to take the necessary steps to restore order.”

*(Statement to the Israeli Knesset by Member of Knesset,
General Matti Peled: May 29, 1985)*

“The crime begins when one agrees to live at the expense of the other, when one confiscates the land and builds settlements ... The settlers who tried to kill me and my colleagues, the late (Mayors) Karim Khalaf and Ibrahim Tawil, actually did kill people. And the authorities have killed people ... All this points to the settlers’ violence as part of the official violence.”

(Mayor Bassam Shaka’a, Nablus — Interview on page 99).

“This is a well-written, intelligent and eminently balanced study that documents the use of violence by Jewish settlers in the occupied territories during the years 1980-1984. The study points to the collusion between settlers, the military, and government officials and offices in permitting ongoing violence against Palestinian Arabs. The study also shows the weakness, and, with some few notable exceptions, the relative importance of an Israeli public opposition to this collusion, and therefore writes large acquiescence in violence against the Palestinian Arab national community.”

Prof. Henry Rosenfeld, University of Haifa

“The Report ‘Israeli Settler Violence in the Occupied Territories: 1980-1984’ prepared by the Palestine Human Rights Campaign and The Arab Studies Society, East Jerusalem, provides carefully documented evidence of a consistent pattern of state supported settler terrorism against the indigenous Palestinian civilians.”

*(Prof. W. Thomas Mallison and Sally J. Mallison,
International And Comparative Law Program,
George Washington University, Washington, D.C.)*

“All the facts of the oppression and atrocities (presented in this Report) are probably true, but they are the natural consequence of the politics of occupation and domination.”

*(Prof. Y. Leibowitz, Professor Emeritus-Hebrew
University, Jerusalem and Editor in Chief of the
Hebrew Encyclopedia)*

“... the presentation (contained in this publication) will enhance the knowledge about the deteriorating conditions of the Palestinians living under the Israeli occupation, and will bring the brewing potential danger and damage this occupation may incur on the human and political levels to the attention of those who are concerned.”

*(Dr. Ibrahim Dakkak, Chairman of the
Arab Thought Forum, Jerusalem)*

Price in the U.S.: \$7.95